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# U. S. DEPARTMENT OF AGRICULTURE

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## SHEEP-KILLING DOGS



**W**OOL AND MUTTON are staple commodities, large quantities of which are needed and used in the United States. The future welfare of our country requires that earnest efforts be made to foster the sheep-raising industry and keep it on a sound economic basis.

The sheep-killing dog is one of the greatest menaces to the success of the sheep industry.

The most effective method of dealing with sheep-killing dogs is through effective legislation rigidly enforced.

Proper legislation will greatly reduce losses of livestock and the danger of rabies and will give strong protection to the duly licensed dog.

Many States have enacted good dog laws, but some States still lack regulations properly designed to control the dog.

No law, however well worded it may be, can be effective unless it has the moral support of the people affected by it and is properly enforced.

Uniform State dog laws are desirable.

Washington, D. C.

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# SHEEP-KILLING DOGS

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## THE PROBLEM OF THE SHEEP-KILLING DOG

**I**N THE FARM STATES men who have engaged in the sheep business are agreed that one of the greatest causes for discouragement has been the sheep-killing dog. Thousands of sheep are killed every year by dogs, causing a large monetary loss to sheep owners. Yet the greatest setback of all, which dogs cause the farm-sheep industry as a whole, consists in keeping out of the business men who otherwise are inclined to go into it. No farmer, although desiring to raise sheep, is likely to attempt it while his neighbors' flocks are being chased to death.

## HABITS OF THE SHEEP-KILLING DOG

Sheep-killing dogs work both singly and in groups, but usually in twos or threes. They do not limit their attacks to the flocks of the immediate vicinity in which they are kept, but travel for miles in all directions, spreading destruction in the flocks with which they come in contact. Because their work is so often done under cover of darkness it is almost impossible to catch them in the act of worrying sheep; hence they can seldom be positively identified.

The ways in which different dogs attack and destroy vary greatly. Some dogs simply kill one or two in a flock, but others continue the attack until all the sheep are either destroyed or crippled. In many cases large numbers are killed although neither bitten nor wounded—simply chased until they die from exhaustion.

After a dog has once killed sheep it seemingly becomes a mania with him and he is seldom, if ever, broken of the habit. He not only destroys sheep himself, but leads other dogs to do so. No consideration should be given to such a dog. If additional losses from this source are to be avoided, the dog should be killed as soon as his habit is known.

<sup>1</sup> The original issue of this bulletin was prepared by M. W. Coll. This issue, by V. L. Simmons, presents changes of the digest of most of the laws herein cited, in accordance with the recent acts of the respective State legislatures.

## DOG-PROOF AND WOLF-PROOF FENCES

The diagram of a fence constructed in such way as to be proof against dogs and wolves is shown in figure 1. The Forest Service of the United States Department of Agriculture gives the following specifications for the fence:

The posts should be 7½ feet long, set 2½ feet in the ground, and 16 feet apart. Equally distant between these posts there should be a small post, about 3 inches in diameter, driven 6 inches into the ground. All wires should be stapled to this post, to prevent spreading. A barbed wire should be stretched flat to the surface of the ground; 3 inches higher, a 32-inch woven-wire fence with a rectangular mesh; 5 inches higher, a barbed wire; 5 inches higher, a second barbed wire; 6 inches higher, a third barbed wire; 7 inches above this, a fourth barbed wire; 2 inches above this strand of barbed wire, and held on offsets extending out 5 inches from the posts, should be another strand of barbed wire, giving a total height of 60 inches.

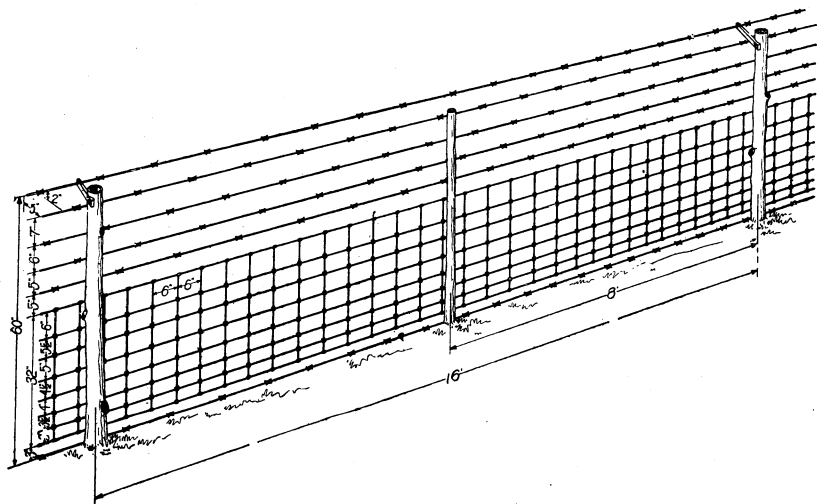


FIGURE 1.—A dog-proof and wolf-proof fence.

As dogs sometimes climb over fences which do not have the barbed wire set out parallel to the top wire, it is essential that this offset be placed on the outside of the corral. It is also essential that the bottom barbed wire be stretched flat on the surface of the ground at all points. This is accomplished by grading the ground before the fence is built and by filling in the small holes afterwards. It has even been considered advisable by some people to place the bottom wire about 2 inches below the surface of the ground, as it is thought that this would be more effective in preventing animals from digging under the fence.

A 56- to 58-inch woven-wire fence with a barbed-wire offset at the top, as shown in figure 2, is suitable for the protection of sheep from both dogs and wolves.

It is rather expensive to provide large tracts of land with the fences described above, and a sheep raiser who does not object to placing his flock in a corral each night can greatly reduce his expense by enclosing a small area with either of these fences and placing his flock therein each night.

### HOW DOG LOVERS CAN AID

The dog rightfully holds a strong place in the minds and affections of men. The owner of a good dog finds in him a most faithful friend. But sometimes the dog most highly esteemed is also one that kills and worries sheep and is most cunning in hiding the evidences of his guilt. A well-bred dog's habit of lying innocently asleep in the front yard during the day is no proof that it does not kill sheep at night. Because of the loss occasioned by sheep-killing dogs and because such dogs bring others of their kind into bad repute, the true admirers and friends of the dog should help to further any steps likely to result in the limitation of the activity of these discrediting members of a noble species. One of the most



FIGURE 2.—A 56-inch woven-wire fence with barbed-wire offset at top of posts. This is an effective fence in turning dogs and wolves.

practicable methods of accomplishing this result seems to be to place upon dogs such a tax as will reduce the number of superfluous ones and result in fewer being kept by persons who cannot or will not give them the attention necessary to prevent the formation of habits and associations that lead to sheep killing.

### DOG LAWS

One of the most effective means of insuring a profit from sheep raising is to make and enforce laws against the sheep-killing dog. Several States have passed laws which adequately protect livestock but in many of the States the present dog laws fail in their purpose. Failure may be caused by the nonenforcement of a good law already in existence, but more often it is caused by the nonexistence of a good law.

### LAWS THAT ARE JUST AND WELL ENFORCED

Possibly the most important consideration to bear in mind in drawing up an effective dog law is to have a law that will command the moral support of the people. An unjust law does not have the support of the people, and without their support the officers will not enforce the law. A rather poor law that is well enforced may be more protection to the sheep owner than any law whose enforcement is ignored by the people and the officers.

These facts have been borne out in some of the States which have enacted rather stringent dog laws. Some of these laws have not had the support of the people and have not been enforced by the officers. On the other hand, in several States where just dog laws have been enacted, the majority of the people are ready to support the laws and as a result the officers have enforced them efficiently.

### METHODS OF LEVYING AND COLLECTING TAX

Many of the States now levy dog taxes directly through the legislatures, but there are still a number which empower cities and towns to tax dogs at their discretion. A State law which provides uniform restrictions on dogs throughout the State and which provides compensation for damages done by dogs has an advantage over local ordinances by regulating all dogs alike and giving the farmers compensation for damages done by dogs that may be kept in neighboring cities and counties. Fortunately, most of the States where dogs are taxed only by the cities and towns or by the counties are found in the western range section, where the dog menace to the sheep industry is not nearly so pronounced as it is in the farm States. In a very few of the farm States, however, it is optional with the cities and towns or the counties whether they tax and regulate dogs. Information from these States shows that such a method of regulating dogs is entirely unsatisfactory.

No general method is used by the States in collecting dog taxes. Many States assess and tax dogs with other property. This method enables the assessor to call personally on all the taxpayers, and it seems logical that a more complete list of dog owners can be obtained in this way. This is the case also when dog owners are required to visit the town clerk's office and present their dogs for registry. If the law levies a sufficiently high tax on dogs, the collection of the tax from every dog owner is one of the most vital points in assuring the success of the law.

### IDENTIFICATION OF LICENSED DOGS

Some of the States do not require that licensed dogs be identified. In those requiring it they are usually identified on the registry books of the office issuing the license by a statement of the breed, sex, and age, and a description of the color markings. To the public they are identified by a collar bearing a metal tag, on which is stamped the registry number of the dog, the year for which the license is issued, and the place of issue or the State issuing the license. Nearly all the States furnish such a tag when the dog tax is paid.

### CONTROL OF DOGS

Many of the States in which the dog laws are most satisfactory require dogs to be under control at any time they are away from the premises of the owner. That is an excellent provision. It is especially necessary that dogs be confined between sunset and sunrise, unless under the control of the owner or keeper. Most of the damage by dogs is done at night, and it would seem that if such a provision of the law is effectively carried out the menace to the livestock industry would be materially curtailed. Well-bred dogs and dogs highly prized by their owners are usually kept confined voluntarily by their masters; consequently such a clause works no great hardship on the owners of such dogs.

### DESTROYING THE SHEEP-KILLING DOG

With few exceptions, the State laws allow anyone to kill a dog caught in the act of chasing, killing, or wounding sheep or other livestock on land not owned by the owner of the dog. It is a provision which should be included in all State laws. Other conditions under which some of the States permit such dogs to be killed by anyone are:

When found at large unattended and without a collar bearing the license number.

When found at large after having been proved to be sheep killers.

When found at large and unattended between sunset and sunrise.

Many States have laws making it a misdemeanor, punishable by fine or imprisonment, to keep a dog which is known to have killed sheep or other livestock.

### COMPENSATION TO SHEEP OWNERS

The more recent laws provide for compensating the sheep owner from the dog-tax fund for losses caused by dogs.

Information gathered from the different States indicates that this is a very necessary provision of a desirable dog law, as it insures the sheep owner against severe financial loss in case dogs should kill a large part of his flock. This insurance has had a noticeable effect in a few States in inducing men to take up sheep raising. Damages are generally appraised by two or three disinterested persons appointed by a justice of the peace and residing in the locality where the loss has been sustained. In appraising the damage it is desirable to allow the full value for the animals killed and also adequate damage for animals which may have been injured.

Practically all the States hold the dog owner liable for damages done by his dog. While this is a good clause, it should not supplant compensation by the State. The dog owner should be held liable to the State for damages paid out by the State. To one unfamiliar with the workings of dog laws it may seem that holding the dog owner liable is an effective method of protecting the flockmaster, but it must be remembered that in very few instances is it possible to ascertain the owner of the dog which has done the damage. Without compensation from the State the sheep owner has small protection from the dog nuisance. Some of the State laws provide for the



payment of damages only once a year and for prorating the damages if the dog-tax fund is insufficient to allow for full compensation. The danger of having to prorate the amount paid out can be eliminated by increasing the dog-tax fund or by making other funds available for payments of damages in case the dog-tax fund is insufficient.

### UNIFORM STATE DOG LAWS

It is believed that similar laws for all States, so enacted and enforced as to prevent damage to flocks by controlling and limiting the number of dogs and at the same time allowing the farmer greater leeway in protecting his flocks, will go far toward encouraging sheep raising and bringing about a proportional increase in the number of sheep. With this in view, an outline for a suggested dog law, combining parts of various State laws with some added features intended to give the sheep owner the benefit in cases where proof of facts is difficult, is here presented. This is not the text of a complete dog law that will fit conditions in all States, but is intended as a suggestion which may be helpful in the preparation of future State dog laws.

### OUTLINE FOR A SUGGESTED STATE DOG LAW

All dogs over 4 months old to be listed by the county tax assessor <sup>2</sup> at the time of listing other taxable property.

Tax to be as follows:

One male or spayed female.....	\$2
Each additional male or spayed female.....	3
Each unspayed female.....	5

Kennel licenses to be issued with restrictions.

Dog owners to pay their dog tax and obtain a dog license at the same time other taxes are paid, unless proof is furnished that proper disposal has been made of the dog.

Counties to furnish a metal tag bearing the registration number of the dog.

Provide for the impounding and, after a reasonable term of impoundment, the humane destruction of dogs found at large without collars bearing license tags.

All dogs confined from sunset to sunrise unless under leash or under reasonable control of their owners.

Dogs found at large between sunset and sunrise to be impounded and owner notified. Owner to regain custody of dog on paying a fine for violation of the law.

Any dog, licensed or unlicensed, may be killed by any one when caught in the act of chasing, worrying, injuring, or killing sheep (or other domestic animals or poultry). Dog owner to have no recourse for the killing of the dog.

Any dog found running at large on the enclosed lands of a person other than the owner of the dog may be killed at the time of finding him by the owner of the land, his agent, tenant, or employee.

Stock owners suffering losses from dogs to report the same to the local justice of the peace. Justice of the peace to appoint a committee of two or three disinterested farmers, residing in the locality where the loss has been incurred, to appraise the damages. Committee to give the sheep owner a certificate showing in detail the nature of the damages and the indemnity. Damages beyond the value of the sheep actually killed outright should be allowed. The sheep owner may then present the certificate to county commissioners to be passed on at the next session.

Compensation to be taken from money derived from the dog tax. Access to be had to a designated State fund if dog-tax fund is insufficient to pay all claims.

Dog owner to be held liable to the county for all money paid out by the county for damages done by his dog, plus all costs of suit.

Owner of a dog known to kill sheep to be required to kill, or cause to be killed, such dog, within 48 hours after notification, under penalty of \$5, and \$1 a day thereafter until the dog is killed.

<sup>2</sup> A more complete list of dog owners is obtained in this way than when the dog owners are depended on to list their dogs.

Sheep owner to be allowed to set out poison on his farm if he gives public notice of same.

Enforcement of the law to be the duty of every police officer in the State, under penalty, of a fine for failure to perform duty. State to furnish sufficient assistance, if necessary, to carry out all the provisions of the act.

Ignorance of such laws as do exist is often accountable for the lack of attention they receive. The suggestion is offered that publicity be given the State dog law, so far as possible, in newspapers and farm journals. It may also be advisable for sheep breeders' and wool-growers' associations to prepare mimeographed copies of the important features of the State law and make arrangements for the distribution of this information to all dog owners and sheep owners.

## DIGEST OF EXISTING STATE DOG LAWS

For the guidance of all those who are interested in promoting legislation against sheep-killing dogs a digest of the existing dog laws of each State is presented herewith. This resume does not set forth every item of the laws but features the more important clauses which are related to the operation of the law and to the protection of sheep.

### ALABAMA

Code of 1923. Amended in 1937 and 1939

The owner of any dog may cause his dog to be registered by the judge of probate. At the time of registration the dog owner must pay a fee of 25 cents and a tax of \$1. He then receives a certificate of registration from the judge of probate. All taxes collected under this provision are appropriated to the use of the public schools in the county where collected.

It is unlawful for any person to keep any dog which has been known to kill or worry sheep or other stock. Any person knowingly keeping such a dog is liable for double the value of all stock killed or injured by the dog, which damages may be recovered by the owner of the stock before any court of competent jurisdiction. Any dog owner who allows a dog, known to kill or worry sheep, to run at large is subject to a fine of not less than \$5 nor more than \$50. Dog owners in some counties are required to confine their dogs to the limit of their own premises except when the dogs are accompanied by or under control of the owner or keeper. Failure to do this is a misdemeanor and punishable by a fine of not less than \$2 nor more than \$50. This particular section of the law is applicable only in those counties where the governing body of the county has approved it and is not applicable in municipalities where dogs are required to have license tags.

Dog owners are liable for damages done by dogs when off the owner's premises. It is unlawful for anyone knowingly and willfully to allow any dog which is rabid, or has been bitten by a rabid dog, to run at large. Any owner of such a dog which bites any person or livestock is liable for twice the damages sustained by the person injured. All dogs not confined in an enclosed area, muzzled, or on a leash at all times must be inoculated against rabies under the penalty of law.

### ARIZONA

Revised code of 1928. Amended in 1935

Except on dogs kept in recognized dog kennels for breeding, sale, or sporting purposes, every owner, keeper, or claimant of a dog is required to pay an annual license tax of \$1 for a male and \$2 for a female. The constable of each precinct lists all the dogs. Licensed dogs are required to wear a collar bearing a metal tag with the current year stamped on it. The license expires on the first day of January of each year, and all dogs found running at large without a collar and tag after the first day of May of each year must be impounded or killed by the constable.

If any person discovers a dog killing, wounding, or chasing sheep or calves, or discovers a dog under such circumstances as show conclusively that it has re-

cently killed sheep or calves, he may pursue and kill such dog. The owner of any dog shall be liable under civil action for all damages that may occur to any person by reason of such dog's killing, wounding, or chasing any sheep or calves belonging to him.

Moneys derived from the dog tax are turned over to the public-school fund. Cities and towns may also impose a license tax and adopt ordinances restricting dogs running at large.

## ARKANSAS

Statutes of 1937

Cities of the first and second classes and incorporated towns are empowered to prevent, restrain, or impound any dogs found running at large within their corporate limits in violation of any ordinance passed by such cities and towns in conformity with this act.

In some counties the owner of any dog, over 4 months of age, is required to list the same for taxation and to pay a license tax of \$1 a year. Dog owners are held liable for damages to livestock owners to the full value of animals killed.

The dog-tax fund is held by the county treasurer to reimburse owners of livestock who suffer losses by dogs whose ownership cannot be determined. Any person suffering loss of livestock must make affidavit before the justice of the peace, within 48 hours after such loss, as to the damages and state that he does not know whose dog caused the damages. The justice of the peace then appoints three freeholders to investigate the claim, and, if it is found just, it is paid from the dog-tax fund. Any money remaining in this fund at the end of each year is transferred to the county-road fund. In about half of the counties the tax goes to the school fund in the district from which it is collected. Any person who knowingly harbors an unlicensed dog is guilty of a misdemeanor. Officers are required to kill all unlicensed dogs. Licensed dogs are given the same protection as other livestock.

## CALIFORNIA

General laws of 1937. Amended in 1939

It is unlawful for any person to own, harbor, or keep any dog over the age of 3 months unless the dog has attached to its neck or leg a substantial collar bearing a metallic tag giving the name and address of the dog owner, or a metal license tag issued by the authority of a county, city, or municipal corporation, for the purpose of identifying the dog and its owner.

It is unlawful for any person to permit any dog owned or controlled by him to run at large without the proper license tag attached. It is unlawful for a person to permit any female dog owned, harbored, or controlled by him to run at large when the dog is in heat. It is also unlawful for any person to permit any dog owned, harbored, or controlled by him to run at large on any farm whereon livestock are kept, without the owner's consent.

Upon the filing of a petition by 25 electors who are livestock owners, it becomes the duty of the board of supervisors of any county to provide for the annual issuance of dog-license tags. The county clerk issues the tags to dog owners on payment of a fee of 50 cents, but the board of supervisors of any county has the power to increase such fee within such county. The board of supervisors also must provide for the taking up and impounding of all dogs found running at large contrary to the provisions of the act in said county, and for the killing in some humane manner or other disposition of any dog so impounded. The owner of any dog which is seized must be notified, and on payment of the fees, which shall not be more than 10 cents for each day the dog is so kept, he may reclaim the dog. No dog impounded under the provisions of this act may be killed before 72 hours have elapsed from the time of the taking up of such dog. The provisions concerned with the licensing and impounding of dogs running at large, when adopted by the board of supervisors of any county, shall also apply throughout any incorporated city located in such county, whenever the governing body of such city by ordinance requests the application of these provisions.

Any person has the right to kill any dog found in the act of killing, wounding, or worrying any livestock on premises not owned by the owner of the dog. Anyone having conclusive proof that a dog has been recently engaged in killing or wounding livestock on premises not owned by the dog owner may kill the dog without danger of civil or criminal action for the killing. Any dog entering any enclosed or unenclosed property wherein livestock are confined may be

seized and killed by the property owner or tenant and no action, civil or criminal, can be maintained against such person.

Whenever any person sustains loss or damage to livestock or poultry by dogs, he may complain to a justice of the peace of the township or county within which the damage occurred. The complaint must be in writing, signed by the person making it, and must state when, where, what, and how much damage was done, and by whose dog, if known. If the dog owner is known, the justice of the peace issues a summons against him to appear before the justice of the peace and show why the dog should not be killed. On the return day fixed in the summons, the justice of the peace proceeds to determine whether the damage to the livestock was caused by the dog, and if so the dog owner is notified to kill the dog. Failure to kill the dog subjects the owner to a penalty. The owner of any livestock or poultry injured or killed by dogs may recover, as liquidated damages from the dog owner, twice the actual value of the animals killed or injured. If two or more dogs injure or kill livestock, the owners are subject to joint and several liability for the damages.

All fees for the issuance of dog-license tags and all fines collected under the provisions of this act are paid into the county treasury and constitute a fund known as "the livestock indemnity fund." This fund is used to carry out the provisions of the law and to reimburse livestock owners who suffer losses by dogs. In presenting claims to the county for damages for livestock killed or injured by dogs it is necessary that each claim be verified by the affidavits of two disinterested witnesses who fix the value of the livestock. The affidavits must be executed within 4 days after the finding of the carcasses and the fact established beyond reasonable doubt that the animals were killed by a dog or dogs.

Any person violating any provision of this act is guilty of a misdemeanor and is subject to a fine of not less than \$25 for the first offense and not less than \$50 or imprisonment in the county jail for 10 days, or both, for the second offense.

## COLORADO

### Statutes of 1935

The board of county commissioners of any county, at any meeting in any year, may establish an order requiring all owners of dogs over 6 months of age within the county to pay an annual license fee of not more than \$2 for each male dog and each female dog that has been spayed, and not more than \$3 for each female dog that has not been spayed. An owner that keeps dogs for breeding or for commercial purposes is entitled to a kennel license covering 15 dogs for \$5. All license fees must be paid not later than 60 days from date of the meeting at which the order was voted by the county commissioners.

The county assessor, when making the annual assessment, compiles a list of the names of all persons who own or keep a dog or dogs. The amount of the license fee is paid to the assessor, who thereupon gives to the person paying it a receipt reciting the owner's name and the number of the license, and also a metal tag or disk bearing the year of issue, the name of the county, and the license number corresponding with that mentioned in the receipt. In the case of the owner of a kennel, the sheriff shall give the owner a metal tag or disk to be placed on each dog of the kennel, but only to the dogs actually owned at the time. The proceeds derived from the tax are paid into the general fund of the county.

No dog is permitted to go at large within the county without having a collar about its neck with a license tag or disk attached thereto bearing the number of the license issued by any county or municipality in the State of Colorado. After 60 days from the date of adoption of the measure, the county sheriff has the authority to seize and impound, in a suitable place within the county, any and all dogs found running at large on which the owner has failed to obtain or renew the annual license. It is the duty of the sheriff to notify the owner, who may recover possession of the dog on payment of the license fees and costs within 10 days from the date such dog is impounded. In case the owner of the dog is unknown, the sheriff may kill and properly bury such dog in some suitable place within the county or may sell and dispose of such dog to some person who will pay the license fees and costs thereon.

Any dog found worrying or injuring sheep or cattle may be killed, and the owner or harbinger of such dog shall be liable for all damages done by it.

## CONNECTICUT

Laws as amended in 1939

On or before the first day of May in each year, every owner or keeper of a dog 6 months of age or older is required, so as to identify it clearly, to have such dog registered, numbered, and described in the town clerk's office in the town where such dog is owned or kept. The owner or keeper of the dog must pay to the town clerk for a license for a year \$1.75 for each male or spayed female dog and \$10 for each unspayed female dog, and 25 cents additional in each case for issuing such license and a tag. It is the duty of each owner or keeper of a licensed dog to keep around the neck or body of such dog a collar or harness of leather or other suitable material to which is securely attached the tag or plate issued to such person by the town clerk. Any owner or keeper of a kennel may apply to the town clerk of the town in which such kennel is located for a kennel license. When no more than 10 dogs are kept in the kennel the fee for each such kennel license is \$25, and when more than 10 dogs are kept in the kennel the fee is \$50. Each kennel license expires at midnight on the last day of April next following its issue.

Selectmen of towns and the chief of police of each city are authorized to appoint annually a dog warden for the term of 1 year from April 1. The dog warden must make diligent search and inquiry for violation of the dog law and may impound any dog not having a tag or plate on a collar about its neck or on a harness on its body as provided by law. Such impounded dogs if not redeemed by the owners within 120 hours shall be mercifully killed. Unredeemed male or spayed female dogs may be sold by the dog warden for not less than \$3.

When any person sustains loss or damage by dogs to his sheep, goats, horses, hogs, cattle, poultry, or domestic rabbits, he shall give information thereof to the selectmen of the town in which the damage was sustained within 24 hours after he has knowledge of the same, and thereupon one of the selectmen of such town with the person claiming to have sustained damage will estimate the amount of the damage.

The amount of the damage estimated is paid by the town, and it may recover the amount, when paid with compensation for the appraisers, from the owners and keepers or harborers of the dogs. If the claim for damage exceeds the sum of \$50, the selectmen shall within 5 days report the same to the commissioner for investigation and may call upon the commissioner to assess such damage, and if the damage exceeds \$100 it shall be assessed by the commissioner on domestic animals. If any animal or poultry shall have been damaged by two or more dogs at the same time kept by two or more persons, the owners or keepers of such dogs shall be jointly and severally liable for such damages. The town is reimbursed by the State if it is unable to collect the amount of the damages from the dog owner.

Any owner or the agent of the owner of any domestic animal may kill any dog which he may find pursuing or worrying any such domestic animal or which he shall find straying on any farm where any sheep or lambs are kept, except that no dog, straying on such farm, if owned or kept by the occupant of any premises adjoining the farm or adjoining any highway which adjoins the farm, or any dog which is securely muzzled or is accompanied by or within reasonable call of any person having charge of the dog, shall be killed unless there is reasonable ground to believe that such dog if not killed will pursue, worry, or injure sheep or lambs on such farm.

No owner or keeper of any dog shall allow such dog to roam at large upon the land of another, nor in any public highway not adjoining the premises of the owner or keeper and not attended or within reasonable call or control of such owner or keeper or his agent.

The commissioner is authorized to kill any dog infected with rabies, and to enforce all laws relating to dogs which provide for the imposition of a penalty, and to enforce all rules and regulations made in pursuance of this act.

Each person owning, keeping, or harboring a dog, who shall violate any of the provisions of this act for which no other penalty is provided, shall be fined not more than \$25 or imprisoned not more than 30 days or both.

## DELAWARE

Revised code of 1935. Amended in 1937

It is the duty of every person of the State of Delaware, outside the corporate limits of the city of Wilmington, owning or harboring a dog over 4 months of age, on his premises, to pay on or before the first day of March of each year a license tax of \$1 on such dog to the board of game and fish commissioners of the State. Such license tax is due and payable on the first day of January and must be paid in addition to any or all other tax or taxes imposed on or on account of any such dog or dogs by any city or town ordinance.

Any person maintaining a kennel may pay a kennel tax of \$10.50, which entitles him to keep therein not more than 12 dogs belonging to himself or in training for others, or he may pay a kennel tax of \$15.50, which entitles him to keep therein not more than 25 dogs belonging to himself or in training for others, or he may pay a kennel tax of \$25.50, which entitles him to keep therein not more than 50 dogs belonging to himself or in training for others, or he may pay a kennel tax of \$50.50, which entitles him to keep in said kennel as many dogs belonging to himself or in training for others as he may desire. All kennel dogs must be kept confined unless accompanied by owner or keeper. On payment of tax the dog owner receives a dog license and a metal license tag. The tag must be attached to a substantial collar and be worn by the dog at all times. It is unlawful for any person to permit any dog to run at large at any time without a license tag.

It is unlawful to allow any dog to run at large anywhere in this State between the first day of March and the first day of October, next following, in each year, unless accompanied by the owner or custodian and under his or her immediate control. The owner or custodian of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog either (a) confined within an enclosure from which it cannot escape, or (b) firmly secured by means of a collar or chain or other device so that it cannot stray from the premises on which it is secured, or (c) under the reasonable control of some person or when engaged in lawful hunting accompanied by the owner or custodian.

All licensed dogs on which license tax is not delinquent are deemed personal property and may be the subject of larceny and malicious or unlawful trespass, and the owner thereof may maintain any action for injury thereto, or unlawful detention thereof, as in the case of other personal property. Any person taking or stealing any dog, the property of another, on which taxes are not delinquent, shall be guilty of a misdemeanor punishable by fine. Any unlicensed dog running at large at any time may be killed by any police officer, constable, or game warden. Any person may kill an unlicensed dog which he sees worrying or wounding livestock or attacking human beings. It is unlawful for any person except a police officer to place any poison in any place on his premises or elsewhere, where it may be easily found and eaten by dogs.

The owner or custodian of any dog or dogs shall be liable in a civil action to the owner of any livestock or poultry for all damages suffered by such livestock or poultry from any dog or dogs. Any person or firm having livestock or fowls killed or injured by any dog shall be entitled to receive compensation at the assessed value of the stock and the fair value of such fowls out of the funds derived from the sale of dog licenses, on proof to the board of game and fish commissioners of the amount of damages suffered. Any person violating any of the provisions of this act is guilty of a misdemeanor and on conviction is subject to a fine of not less than \$5 nor more than \$50 for each offense and on failure to pay such fine and costs shall be imprisoned for a period not exceeding 10 days.

## FLORIDA

Compiled general laws of 1927

The city and town councils are empowered to license and restrict the running of dogs at large. Owners of dogs are liable for any damage done by their dogs to sheep or other domestic animals or livestock. It is unlawful for any dog known to have killed sheep to roam about the country unattended by a keeper. Any such dog so found shall be deemed a runabout dog and it shall be lawful to kill it. In any action for damages or of a criminal prosecution against any person for killing or injuring a dog, satisfactory proof that said dog had been or was killing sheep shall constitute a good defense to either of such actions. Any person owning or having under his control any dog or dogs which said person knows to have injured or killed, or to be in the habit of injuring or killing, sheep belonging to other per-

sons, and who knowingly permits such dog or dogs to run at large, is subject to a fine not exceeding \$50 or imprisonment not exceeding 30 days. No provision is made for the compensation to sheep owners who suffer loss other than making the dog owner liable.

### GEORGIA

Code of 1933

If any dog, not being at the time on the premises of the owner or person having charge thereof, shall kill or injure any livestock, the owner or person having such dog in charge shall be liable for the damages sustained by the killing or maiming of any livestock and full cost of suit.

All dogs are made personal property and must be given in and taxed as other property of the State is given in and taxed. Such tax is to be enforced by levy and sale, as other taxes are collected, and is not to interfere with the imposition and collection of any municipal tax on dogs, whether such dog or dogs be owned by the taxpayer, his wife, or minor children.

### IDAHO

Code of 1932

The county commissioners are empowered to establish an order requiring all owners of dogs over 6 months old, other than those belonging to residents of a municipality within the county which has enacted and is enforcing a dog-license law, to pay an annual license of not more than \$2 for each male dog and each female that has been spayed, and not more than \$3 for each female dog that has not been spayed. This tax is to be paid not later than 60 days from date of meeting at which order is voted. When an owner keeps dogs for breeding or commercial purposes he is entitled to a kennel license covering 15 dogs, for \$5. The dog license is paid to the county assessor. The proceeds thereof shall be paid into the general fund of the county.

No dog is permitted to go at large within the county without having a collar about its neck with a license tag or disk attached bearing the number of the license issued by the county. After 60 days from the date of adoption of this measure the county sheriff has the authority to seize, kill, and properly bury any and all dogs running at large without a collar to which is attached a license tag, and also all dogs wearing collars with license tags and running at large in the county, on which the owner has failed to obtain or renew the annual license. It is the duty of the sheriff to notify the owner, who may recover the dog on payment of license fees and costs. The owner or keeper of any dog that kills or injures sheep is liable to the owner for the damages and costs of suit. A person who negligently allows any dog, owned or harbored, to roam about when not under the care and control of a competent and responsible attendant, is guilty of a misdemeanor. Any person finding any dog off the premises of its owner, killing, wounding, or worrying sheep may kill the dog at the time of finding him. The law provides further that any city or village may impose a dog tax of not less than \$3 nor more than \$10 and may destroy a dog whose owner refuses to pay such tax.

### ILLINOIS

Revised statutes of 1937

Dog owners are required to take out a license for each dog owned and to pay the required license fee. Dogs are listed by the county assessor and taxed as other personal property. The assessor collects from each dog owner, at the time the dogs are listed for assessment, a license fee of \$1 for each male or sterilized female dog and \$3 for each unsterilized female dog. Owners of dogs kept in kennels for breeding or other purposes must pay a kennel license fee of \$10 for 20 dogs or fewer, and \$5 for each additional 20 dogs or fraction thereof, kept in such kennels. All license fees collected are turned in to the county treasury and deposited in a fund known as a county dog-license fund. The assessor issues to the owner of each dog or kennel a license and a metallic tag for each dog licensed. All dog owners or keepers of dogs must keep a substantial collar around the dog's neck and keep the metallic tag attached.

The owner or keeper of any dog is liable in an action on the case for all damages that may accrue to a person by reason of such dog pursuing, chasing, worrying,

or wounding any sheep or goats belonging to such person, and if the amount of the damages does not exceed \$500 it may be recovered before a justice of the peace. Any person seeing a dog in the act of pursuing, chasing, worrying, wounding, or killing sheep or goats, unaccompanied by or not under the supervision of the owner or keeper of such dog, may pursue and kill such dog.

Money collected as dog tax is put into the county dog-license fund and is used to pay damages done to domestic animals by dogs. The sheep owner who suffers damages appears, not less than 10 nor more than 40 days after the killing or injury of sheep, before a supervisor of the town in which the killing or injury occurred in counties under township organization and before a magistrate in counties not under township organization, and makes affidavit as to the extent of his losses. The damages must be proved by at least two witnesses who are freeholders of that county. Recovery of damages from the county is possible only when the owner of the sheep is a resident of the State and the dog owner is unknown or is insolvent, but a payment of damages by the county does not bar the sheep owner from recovering damages from the dog owner. The amount of damages paid by the county shall not exceed \$15 a head for sheep killed or injured. If there is insufficient money in the fund to pay all claims the available money is prorated.

The council in cities and the board of trustees in villages are given authority to regulate, restrain, and prohibit the running at large of dogs and to impose a tax on them.

## INDIANA

Acts of 1937

Dogs are listed by the township assessor, and the owner pays immediately to the assessor \$1 for each male dog or spayed female dog, \$3 for each unspayed female dog, and \$5 for each additional dog, male or female, owned, harbored, or kept on the same premises, whether owned by the proprietor or some other person. Dogs under 6 months of age are exempt from this tax. The owner of dogs kept in kennels for breeding, boarding, or sale purposes must pay a kennel license fee of \$25 for 15 or more dogs or a fee of \$15 for less than 15 dogs. Upon payment of the required license fee the assessor furnishes the dog owner with a metal license tag which must be attached to the collar worn by the dog. Any person acquiring, owning, or keeping a dog after the assessor has completed his assessment must report such dog and pay to the township trustee of his township the amount of the dog tax. Every person liable to taxation in any township and residing therein when listed for taxation must make and subscribe to an oath to the township assessor regarding the number of dogs owned or kept by him. Anyone making a false statement to the assessor regarding his dogs shall be punished, on conviction, as in the case of perjury. It is unlawful to keep an unlicensed dog or to permit the dog to stay about the owner's premises if such dog does not have a license tag attached to its collar. Any person guilty of this, on conviction, shall be fined not less than \$5 nor more than \$25. All money derived from the taxing of dogs by the township assessor shall constitute a fund known as the dog fund and shall be used for the payment of damages sustained by owners of livestock and poultry. The owner reports his loss within 10 days to a township trustee and makes affidavit for losses, supported by two disinterested witnesses who are freeholders or householders residing in the township.

Any person who makes false statements of such damages is liable, on conviction, to a fine not exceeding \$100, to which may be added imprisonment in the county jail for a term not exceeding 30 days. The damages must not exceed the actual cash value of the livestock or fowls. No person shall receive pay for livestock damaged by any dog owned by himself. If more than \$100 remains in the dog-tax fund of the township on the first Monday of March of any year, it is turned over to the county treasurer to be distributed among the townships in which orders drawn exceed funds on hand. This distribution is made on the second Monday in March of each year; and, if the amount to be distributed is insufficient to satisfy all claims presented by such townships, the money is distributed in the ratio of the orders drawn against the dog fund of the townships that are unpaid and unprovided for. If the dog fund of any township and the share of the county dog fund which is distributed to such township during any year is insufficient to pay all the claims, they are paid out of the State dog account. All money in excess of \$50,000 remaining in the State dog account after the settlement of all claims, is transferred by the auditor of the State to the State school revenue fund.



## IOWA

Code of 1935

The owners of all dogs 3 months old or over, except dogs kept in kennels and not allowed to run at large, must apply on or before January 1 of each year to the county auditor for a license. A fee of \$1 is required for each male or spayed female and \$3 for each unspayed female. The county auditor upon receipt of the application delivers or mails to the applicant a license which is in the form of a metal tag and bears the year in which issued, the name of the county issuing it, and the serial number as shown by the record book in the office of the county auditor. The license tag must be attached by the owner to a substantial collar and worn by the dog at all times. The county assessor lists all dogs at the time of listing property for assessment. Dogs kept in kennels and not allowed to run at large are taxed as personal property. It is lawful for any person, and the duty of all peace officers within their respective jurisdictions, to kill any dog for which a license is required when such dog is not wearing a collar with license tag attached.

It is lawful for any person to kill a dog, licensed and wearing a collar with license tag attached, when such dog is caught in the act of worrying, chasing, maiming, or killing any domestic animal or fowl or when such dog is attempting to bite a person.

The owner of any dog, whether licensed or unlicensed, is liable to the party injured for all damages done by the dog, except when the party damaged is doing an unlawful act, directly contributing to such injury.

All money received from license fees is placed in the domestic-animal fund. Any person damaged by the killing or injury of a domestic animal or fowl by dogs not owned by said person may file, within 10 days from the time he or his agent has knowledge of such killing or injury, a claim for such damage with the county auditor of the county in which such killing or injury occurred. Claims must state the amount of damages, and a detailed statement of facts attending the killing or injury must be verified by affidavit of at least two disinterested persons not related to claimant. The board of supervisors authorizes payment or disallows payment of damages within a reasonable time. Warrants for allowed claims are payable January 1 following their issuance and only from the domestic-animal fund. If this fund is insufficient the warrants are paid pro rata.

The violation of any of the provisions of this act shall be punishable by a fine not exceeding \$50, or by imprisonment not exceeding 30 days.

## KANSAS

General statutes of 1935

Dogs 3 months old or over are listed by the assessor in each township. Males and spayed females are taxed \$1 and unspayed females \$2 each. The taxes are collected at the same time and in the same manner as other personal taxes and are turned into the general school fund of the county from which it was obtained. Cities are empowered to tax and restrict dogs. If the keeper of a dog disclaims ownership, he may avoid the dog tax by killing the dog in the presence of the assessor. Any person making a false report to the assessor of the number or sex of the dogs owned, harbored, or kept by him shall be guilty of a misdemeanor, and on conviction shall be fined not more than \$100. The 1911 law makes the dog owner liable for damages done to sheep, damages to be recovered in court by the sheep owner. The law of 1868 legalizes the killing of any dog when found worrying or injuring sheep. It is the duty of the county attorney to prosecute any and all persons who shall violate the provisions of this act.

## KENTUCKY

Statutes of 1936

On or before January 1 of each year the dog owner must apply to the sheriff of the county for a license for each dog owned or kept by him. The application must be accompanied by a fee of \$1 for each male or spayed female dog and \$2 for each unspayed female dog. The sheriff will furnish the owner with a metal tag which shall be affixed to a substantial collar furnished by the dog owner. The collar and tag must be worn by the dog at all times. Any person becoming the owner after January 1, of any year, of a dog which has not already been licensed must obtain a license for the dog in the same manner as that in which the annual license is obtained. A kennel license may be obtained by pay-

ing a fee of \$10 for 10 dogs or fewer, and \$25 for more than 10 dogs permitted to be kept under the kennel license. A metal tag must be attached to the collar of each dog kept in the kennel.

It is unlawful for any person to own or keep an unlicensed dog. The sheriff or deputy may seize and impound any dog running at large which does not bear a proper license tag. If the dog is not claimed after 10 days from the date of serving notice of impounding, the dog is sold or disposed of in a humane manner. If a licensed or unlicensed dog is reclaimed, the owner must pay to the sheriff \$2 and the cost of keeping the dog. All money derived from this act is placed in the county livestock fund to be used to cover damages to livestock by dogs.

Any person may kill a dog which he sees in the act of pursuing, worrying, or wounding livestock or poultry, without liability in damages for the killing. Any dog entering a field unaccompanied by its owner constitutes a private nuisance, and the owner or tenant of the field may kill the dog, while it is in the field. Any dog found or discovered off the premises of the owner between sunset and sunrise, unaccompanied by the owner, may be killed by the one so finding the dog. It is unlawful to permit a female dog to go beyond the premises of the owner when she is in heat unless held properly in leash.

Any person suffering losses of livestock or poultry by dogs may make complaint to the county judge or to a justice of the peace. Such complaint must be in writing and state when, where, and how much damage was done and by whose dog or dogs, if known. Two resident landowners not related to claimant are appointed to investigate and determine the amount of the damages. The amount allowed is paid by the county treasurer out of the livestock fund when the dog owner is unknown. If the owner of the dog causing such damage is determined, he is liable to the owner of such livestock or poultry in a civil action for all damages done and costs. Damages for sheep are not allowed to exceed the following amounts: For each head of grade sheep not to exceed \$12, for each head of grade lambs not to exceed \$8, for each head of registered sheep not to exceed \$25, and for each head of lambs registered, or eligible to be registered, not to exceed \$15.

The commissioner of agriculture, through his officers and agents, is charged with the general enforcement of this act and has general supervision over the licensing and regulation of dogs and protection of livestock and poultry from damage by dogs in all counties of the Commonwealth. Any person other than an officer violating or failing or refusing to comply with any of the provisions of this act is deemed guilty of a misdemeanor, and on conviction is subject to a fine not to exceed \$100. All fines collected under the provisions of this act after costs are deducted are paid to the treasurer of the proper county to be credited to the county livestock fund. All moneys remaining in the livestock fund after all losses, damages, and necessary expenses have been paid revert to the school fund of the county.

## LOUISIANA

General statutes of 1939

Dog owners are required, on or before January 1 of each year, to apply to the sheriff of each parish for a license tag, and to pay a fee of \$1 for each male dog and \$2 for each female dog. It is unlawful for a person to permit any dog in his possession to run at large on land belonging to another. The officers of the parish are required to seize any dog found running at large, whether licensed or unlicensed, and to impound it. Notice is sent to the owner of the dog, and the dog may be reclaimed by the payment of a fee of \$1 and an additional charge of 25 cents for each day the dog has been impounded. If not claimed within 7 days, the dog is to be killed in a humane manner. The money derived from the dog tax is turned over to the parish road fund.

Any owner, harbinger, or possessor of a dog that kills, harasses, or wounds sheep, is liable to the owner of said sheep for the damages sustained, to be recovered before any court of competent jurisdiction. The sheep owner may recover from the dog owner 10 times the amount of damages sustained and costs. In the prosecution of actions under this law it is not necessary for the plaintiff to show that such owner, harbinger, or possessor of such dog had knowledge of the fact that said animal would kill, harass, or wound sheep. Any person, on finding any dog not on the premises of its owner, harbinger, or possessor, and harassing, wounding, or killing sheep may, at the time of so finding said dog, kill the same, and the

owner thereof shall not be able to sustain any action for damages against the person so killing such dog. Any persons violating any of the provisions of the law are liable to fine and imprisonment.

## MAINE

Revised statutes of 1930. Amended in 1939

On or before April 1 of each year the owner or keeper of any dog 6 months old or over must apply to the city or town clerk for a license for each dog owned or kept by him. Tax assessors list all dogs. A fee of 90 cents must be paid the city or town clerk for each license issued on male or spayed female dogs and a fee of \$4.90 for each female dog capable of bearing young. A veterinarian's certificate stating that a female dog has been spayed must accompany the application for a license for such dog. In addition to the amount paid for each license and metal tag a charge of 25 cents is made for recording and making returns to the commissioner of agriculture. Every dog must at all times wear a collar bearing a metal tag showing the year in which the license was issued. Every owner or keeper of dogs, kept for breeding purposes, may procure a kennel license authorizing him to keep such dogs.

Whenever any sheep, lambs, or other domestic animals are killed or injured by dogs, the owner may make complaint of the damages to the mayor of the city or to one of the municipal officers of the town or plantation where the damage was done. Complaint of damages must be made within 24 hours after discovery of the same by the owner of the livestock. After the municipal officers have investigated the complaint and are convinced that the damage was committed by dogs within the limits of their city or town, they estimate the value of the animals killed or injured according to the purpose for which they were kept. The report is made in triplicate, two copies with a bill from the claimant are mailed to the commissioner of agriculture or his authorized agent, within 15 days from the date of the investigation, and the triplicate is kept by the town clerk as his record. The commissioner of agriculture or his duly authorized agent may either approve, investigate, or adjust the claim. When the claim is approved by the commissioner of agriculture or his duly authorized agent it is paid by the State to the person sustaining such damage. The State may maintain an action on the case against the owner or keeper of the dogs to recover the amount paid to the sheep owner unless before final disposition of the case the owner produces satisfactory evidence that the dog has been killed. Any person keeping a dog that kills or injures sheep or lambs is subject to a fine of not more than \$100 and costs unless the dog is killed before the case is closed. If any sheep, lambs, or domestic animals are killed or injured by two or more dogs at the same time, kept by two or more owners, the owners of such dogs are jointly and severally liable for such damage.

Any sheep owner or person who has the custody of sheep has a right to kill a dog attacking his sheep. Any person having evidence of a dog worrying, wounding, or killing a domestic animal or fowl, when the dog is outside the immediate care of its owner, may present his evidence to any trial justice or recorder of any municipal court, who shall have power to issue a warrant against the owner of said dog, ordering him to appear before him and show cause why the dog should not be killed, and on hearing the evidence in the case the court may order the dog to be killed. If a dog, whose owner or keeper refuses or neglects to comply with said order, wounds any person or wounds or kills any domestic animal, the owner or keeper shall pay the person injured treble damages and costs to be recovered by an action on the case.

The representative of the department of agriculture in charge of sheep husbandry is known as the sheep specialist and devotes his time to the carrying out of the provisions of the dog-licensing laws and the adjustment of claims for damages to sheep by dogs and wild animals and to the promotion of the sheep industry within the State.

## MARYLAND

Public general laws of 1924 and cumulative supplement of 1935

The Maryland law regulating sheep-killing dogs as now amended is not operative in certain counties of the State. In such counties other laws on this subject which have only local application in the regulation of sheep-killing dogs have been provided by the State legislature. The dog laws of local application are variable with the different counties but generally provide for a license tax and for reimbursement to the livestock owner for losses suffered from dogs.

The State law provides that before July 1 of each year the owner of any dog 6 months old or over must obtain a dog license from the county treasurer, county clerk, justice of the peace, or constable for each dog owned or kept by him. A license fee of \$1 is charged for each male or spayed female dog and \$2 for each unspayed female dog. Officials must furnish the dog owner with a license tag to be worn by the dog at all times. A kennel license may be obtained by paying a fee of \$10 for 25 dogs or fewer and \$20 for more than 25 dogs permitted to be kept under the kennel license.

Any person may kill any dog which he sees in the act of pursuing, worrying, wounding, or killing any poultry or livestock, whether or not such dog bears the proper license tag as required. There shall be no liability on such persons in damages or otherwise for such killing. Any unlicensed dog that enters any field or yard constitutes a private nuisance and the owner or tenant of such field or yard, or other agent or servant, may kill such dog while it is in the field or yard without liability or responsibility of any nature for such killing.

All moneys arising from the dog licenses or taxes are kept in a separate fund by the treasurer of the respective counties and are used for the payment of damages resulting from the injury and killing of sheep or other livestock by dogs. In the event the funds in the dog-license fund are insufficient for the payment of all such damages they are paid in the order the claims are presented and any person whose claim is not paid in any one year by reason of the lack of money in the dog-license fund is paid out of the first money coming into the fund after his claim is reached. Any funds in excess of \$1,000 remaining in the hands of the treasurer of any county at the end of each fiscal year are used as the board of county commissioners directs.

When any inhabitant of a county has any sheep or livestock destroyed or injured by dogs, he may apply to a justice of the peace of the county, who appoints three disinterested persons or appraisers to view and appraise the damages sustained. The appraisers under oath state in writing to the county commissioners the number of sheep or livestock killed, the character and extent of the injury, and the amount of damages sustained by the owner. If in the judgment of the county commissioners the amount of the damages is unfair, they award such amount as they may deem fair and not in excess of a fair commercial valuation of the sheep. If the owner of a dog or dogs doing the damage is known, he is notified to kill the dog immediately. If the dog is killed by the owner he is exempt from all further liability; if he refuses or neglects to do so he is liable to the county commissioners for the damages.

It is the duty of the sheriff and constables of the county to enforce the provisions of the law. The officers of a county are in position to furnish information concerning the provisions of any law regulating sheep-killing dogs in their particular county.

## MASSACHUSETTS

General laws of 1932. Amended in 1934 and 1938

The owner or keeper of a dog 3 months old or over must annually, on or before March 31, cause it to be registered, numbered, described, and licensed for 1 year from April 1 following. A person who after April 1 becomes the owner or keeper of a dog or comes into possession of a dog that becomes 3 months old must have it registered. If the dog is kept in Boston it is registered in the office of the police commissioner, or if kept in any other town, in the office of the clerk. A license fee of \$2 is charged for a male or spayed female dog and \$5 for an unspayed female dog. In the case of a spayed female dog a certificate of a registered veterinarian who performed the operation must be filed with the town clerk. The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather to which must be securely attached a tag in the form prescribed by the director.

Any owner or keeper of a kennel may apply for a kennel license to the town clerk of the town in which it is located. The fee for each kennel license is \$25 if not more than 10 dogs are kept in a kennel, and \$50 if more than 10 dogs are kept therein. Assessors list all dogs owned or kept in their respective cities and towns. A dog owner or keeper who refuses to answer or answers falsely to the assessors relative to the ownership of a dog is subject to a fine of not less than \$10 which, except in Suffolk County, is paid into the county treasury.

Whoever suffers loss by the worrying, maiming, or killing of his livestock or fowls by dogs, outside the premises of the owners or keepers of such dogs, may, if the damage is done in a city, inform the police officer of the city who has been designated to receive such information by the authority appointing the police,

and if the damage is done in a town may inform the chairman of the selectmen of the town, who shall proceed to the premises where the damage was done and determine whether the same was inflicted by dogs, and if so, appraise the amount thereof if it does not exceed \$50. If in the opinion of the officer of police, chairman, or selectman, the amount of said damages exceeds \$50, the damage shall be appraised, on oath, by 3 persons, of whom 1 shall be such officer of police, chairman, or selectman, 1 shall be appointed by the person alleged to be damaged, and the third shall be appointed by the other 2. The officer of police, chairman, or selectman must return a certificate of the damages found, except in Suffolk County, to the treasurer of the county where the damage was done, within 10 days after such appraisal is made. The treasurer thereupon submits the same to the county commissioners, who within 30 days will examine all bills for damages and may upon their own motion or upon the request of an interested party summon the appraisers and all parties interested and make such investigation as they may think proper, and shall issue an order upon the treasurer of the county for such amounts, if any, as they decide to be just and shall notify all interested parties of their decision. The treasurer, except in Suffolk County, pays all orders drawn upon him in full for the above purpose and for the expenses of appraisal out of any money in the county treasury, and payments made therefor are charged to the dog fund.

No owner of livestock or fowls is reimbursed for damages inflicted by his own dog or dogs, nor shall he be reimbursed for any damage by any dog if, at the time such damage was inflicted, he was himself the owner or keeper of an unlicensed dog of the age of 3 months or older. Awards in no case shall exceed the fair cash market value of such livestock or fowls.

In Suffolk County, all money received for licenses or from the sale of dogs, or recovered as fines or penalties under the provisions of this act relating to dogs, is paid into the treasury of the town in which said licenses are issued or such sales are made, or said fines or penalties recovered. All claims for damages done by dogs in Suffolk County are determined by appraisers, and when approved by the aldermen or selectmen of the city or town where the damage was done, are paid in full on the first Wednesday of January of each year by the treasurer of such town, if the gross amount received by him and not previously paid out under the provisions of this act relating to dogs is sufficient therefor; otherwise such amount is divided pro rata among such claimants in full discharge of their claims.

## MICHIGAN

(See act of 1919, amended in 1921, 1925, 1927, 1929, 1931, 1933, 1937, and 1939, pp. 33-39)

## MINNESOTA

Session laws of 1939

The board of county commissioners of any county, except as specified, on petition by 25 percent of the livestock raisers or on its own motion without a petition, may establish a system of licensing and regulating of dogs running at large and create a livestock indemnity fund. Regulations adopted by counties do not apply to cities of the first class.

In every county in which this act is operative the owner or keeper of a dog more than 6 months of age must on or before February 1 in each year obtain a license for his dog from the town, village, or city clerk. The fee must not be less than \$1 nor more than \$3. Each assessor annually ascertains the dogs owned or kept within his assessment district. The license year corresponds to the calendar year.

Any person who operates a kennel may apply to the town, city, or village treasurer for a kennel license at a cost of \$10 for the license year.

The clerk or his deputy, when issuing a license, also issues a metal license tag which must be attached to a collar and worn by the dog at all times.

The license fees collected are paid by the town clerk to the county treasurer, who keeps them in a separate account known as the dog-license fund. The money in the dog-license fund is used to defray the expenses incurred in administering the law. The amount remaining in the fund is used for paying claims allowed by the county to the owners of domestic animals on account of damages done by dogs. Any surplus in excess of \$1,000 in the dog-license fund of any year is on March 1 of the succeeding year credited to and paid by the county treasurer to the towns, villages, and cities of his county for their use as their governing bodies shall determine.

It is unlawful for any person to harbor or permit an unlicensed dog to remain about his premises. Any person may seize, impound, or restrain any unlicensed dog which he may find running at large.

The owner of any domestic animals attacked, chased, worried, injured, or killed by a dog or dogs may within 10 days after he has knowledge or notice of the same file a written claim for damages with the clerk of the town, village, or city in which the damage occurred. Upon presentation of such claim the supervisors of the town, the board of trustees of the village, the common council of the city, or a committee appointed for that purpose shall promptly investigate the claim and may subpoena witnesses, administer oaths, and take testimony relative thereto. Within 30 days after the claim has been filed it must be certified and returned to the county auditor, together with a full report of the investigation. The county auditor in turn lays the claim before the county board at its first meeting following the receipt of the claim. The amount allowed by the county board upon any such claim must in no case exceed \$15 for each sheep or goat. Whenever the claimant furnishes conclusive evidence as to the ownership of the dog or dogs doing the damage the claimant shall be paid the full amount of the claim submitted.

Any person who shall violate any of the provisions of this act shall be liable to a penalty of not less than \$5 nor more than \$50 for such violation.

### MISSISSIPPI

Code of 1930 and supplement of 1938

If any dog shall kill any sheep, lamb, or kid, the owner of the dog must pay to the owner of the sheep, lamb, or kid, \$3 for each one so killed. Any dog in the act of chasing or killing sheep may be killed by any person and such person is not liable to the owner of the dog. Every person who owns or has in his possession any dog 6 months old or over is required to have the dog inoculated against rabies in accordance with the provisions of the law.

### MISSOURI

Statutes of 1932 and cumulative pocket part of 1938

No dog is permitted to be and remain within the limits of the State unless the owner or someone acting for the owner has listed the dog for taxation and paid the tax imposed by this article before February 1 of each year. The tax on each male or spayed female dog is \$1 per year and on all other dogs is \$3 per year, payable to the clerk of the county in which the owner resides. In the case of spayed females a certificate of a veterinarian or the affidavit of the owner is required. Any person operating a kennel of more than 10 dogs may obtain a kennel license by paying a tax of \$10. The county clerk issues a license and a metallic plate to be worn, on a collar, by the dog at all times. The money received from the licensing of dogs is used to defray the expenses of the administration of the law. Any surplus money is paid to the county treasurer who places it in a separate fund to be known as a county dog-license fund. Such fund is used only for the purpose of compensating persons who have suffered loss or damage through the injury or killing of livestock by dogs.

If sheep or other domestic animals are killed by dogs, the owner of the stock so lost may recover against the owner of the dog the full amount of the damages, and the dog owner must kill the dog or forfeit \$1 for every day he refuses to do so. In the recovery of damages for sheep killed by dogs it is unnecessary to allege and prove that the owner of the dog knew of his vicious character. A person has no right to put poisoned meat on the premises to kill dogs merely trespassing; but if the dogs have killed his sheep, he has the right to poison them.

In order to be eligible to receive any portion of the county dog-license fund, owners or custodians of livestock, injured or killed by dogs, must within 10 days after suffering such loss or damage make written application supported by an affidavit to the county clerk. The county court between March 1 and March 15 in each year considers and examines all applications and affidavits covering damages, and after hearing all evidence in the matter passes such judgment as the court may deem equitable. If there is not sufficient money in the fund to pay all allowed claims in full then the money is prorated. It is the duty of the town marshals and township constables to seize and impound any dog found running at large without collar and license tag. The owner may redeem such dog within a

week by the payment of a fee of \$5, and if not redeemed the dog is to be killed at the end of this period. Anyone may kill any dog found worrying livestock. It is a misdemeanor for a person to kill a licensed dog unless found injuring livestock. This law provides further that upon the filing of a petition signed by 100 or more householders of any county it shall be the duty of the county court to bring the question of adopting or rejecting the dog law before the voters of the county at the next general election. The returns of this election determine whether or not the law will be operative in this county.

## MONTANA

Revised code of 1935

Dogs are considered as personal property and their value ascertained in the same manner as the value of other property.

Municipalities are empowered to tax dogs at their discretion and to restrict them from running at large. The law makes it a misdemeanor for a dog owner or keeper to allow his dog to chase upon the open range or Government lands any livestock which does not belong to him. The penalty for such misdemeanor is a fine not to exceed \$50.

Any dog, whether licensed or not, which, while off the premises of its owner, kills, wounds, or injures any livestock not belonging to the master of such dog, shall be deemed to be a public nuisance and may be killed forthwith by any person. The owner, when notified of the dog's action, must kill the dog within 24 hours, and if he fails to do so an officer of the law will be notified to kill the dog. When it has been proved that a dog has killed, wounded, or injured any livestock, the owner of such dog shall be civilly liable to the owner of such livestock, in a civil suit for damages in a sum equal to the amount of the damages incurred.

## NEBRASKA

Compiled statutes of 1929

Dogs are considered as personal property for all intents and purposes. The municipal authorities of any county, city, town, or township are empowered by ordinance or resolution to impose a license tax of not more than \$5 on each dog, which license tax constitutes a special fund for the payment of all damages done by dogs within the limits of the body imposing the same. City councils may also assess special taxes on dogs, the funds to be used as the council directs. It is the duty of every owner or owners of any dog or dogs to place securely upon the neck of such dog or dogs a good and sufficient collar bearing a metallic plate on which shall be plainly inscribed the name of the owner. Any owner permitting a dog to run at large for 10 days without the prescribed collar being securely placed upon the neck of such dog shall be fined in any sum not exceeding \$25.

The owner or owners of any dog or dogs shall be liable for any and all damages that may accrue to a person, firm, or corporation by reason of such dog or dogs killing, wounding, worrying, or chasing sheep or other domestic animals belonging to such person, firm, or corporation. Such damages may be recovered from any court having jurisdiction of the amount claimed. If two or more dogs owned by different persons shall kill, wound, chase, or worry sheep or other domestic animals, such persons shall be jointly and severally liable for all damage done by such dog or dogs.

Any person whose dog shall do damage while on the premises of another is guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than, nor more than double, the amount of such damage, and in addition thereto is liable to the person or persons suffering such damage to the full amount of the loss. Any person has the right to kill a dog found doing damage to any sheep or other domestic animal, and no action shall be maintained for such killing.

## NEVADA

Compiled laws of 1929

City councils are empowered to tax dogs and to regulate the destruction of all unlicensed dogs. A heavy fine is imposed on anyone who keeps a vicious dog. It is unlawful to poison a dog intentionally or to steal a dog belonging to another person.

**NEW HAMPSHIRE**

Public laws in effect January 1940

All dogs over 3 months of age are to be taxed. The tax on males and spayed females is \$2 and on unspayed females \$5. Each dog is required to wear a collar bearing the owner's name and the registry number of the dog. It is unlawful for the owner or custodian of any "self-hunting" dog to permit such dog to run at large in territory inhabited by game birds or quadrupeds, or on lands where sheep are pastured, between April 1 and October 1 of any year. Dogs that will hunt or pursue deer or sheep are not permitted to run at large unaccompanied by their owner or keeper.

When a dog is discovered pursuing or harrassing sheep or injuring any domestic creature, notice is given the owner of the dog, and on the second or any subsequent offense the dog owner may be fined \$5. A dog found out of the care of its owner, wounding, worrying, or killing sheep may be killed by anyone. Sheep owners may recover damages done to sheep from the town or city wherein such damage was done. They may present a statement of such damage to one of the selectmen of a town, or to the clerk, mayor, or one of the aldermen of a city, who shall thereupon make such investigation as he deems necessary to determine whether the damage was occasioned by dogs and the amount thereof if so occasioned. If the claim is just the claimant is awarded the amount of his damages, and at the expiration of 60 days an order is drawn in his favor by the town treasurer. Towns may make additional regulations.

**NEW JERSEY**

Revised statutes of 1937

Every person keeping a dog over 6 months of age, in any of the taxing districts, must pay an annual tax of \$1, and for every additional dog the sum of \$2. This does not apply to tax districts in which there are dog ordinances in force. Every person who refuses or willfully neglects to deliver to the assessor a true account of dogs owned or kept is subject to a penalty. Dog owners in municipalities are required to register their dogs with the town clerk and to place on the neck of each dog a collar bearing the registration number. Any dog found running at large without a collar may be impounded by the chief of police. It is lawful for any person to destroy humanely any dog found wounding or destroying sheep. Any person owning a dog which has been found killing or worrying livestock must kill the dog within 24 hours or be liable to a fine of \$10 and court costs and to triple damages for any injury done. Any taxing district or municipality may pass an ordinance providing that the money received from dog licenses may be used for the payment to owners of sheep and other livestock for damages done by dogs. Any person sustaining damage to livestock may take two freeholders of the taxing district wherein such damage occurred to view and return a certificate of the damages done. If properly verified, the certificate entitles the person suffering damages to compensation from the dog-tax fund. The municipality may bring suit against the owner for recovery of amount of damages allowed by them.

**NEW MEXICO**

Compilation of laws in 1929

The State law requires all cities, towns, and villages to collect a tax of \$1 on each male dog and \$2 on each female for municipal purposes. A fine of \$10 is imposed on persons who keep a dog and do not pay the tax. A sheep owner has a right of action against the owner of a sheep-killing dog, and the dog must be killed by its owner. Each municipality is required to make ordinances regulating the running of dogs at large. No one is allowed to keep a sheep-killing or a vicious dog.

Dogs are deemed and considered as personal property, and all remedies given for the recovery of personal property and of damages for injuries thereto are extended to them. Anyone who willfully and maliciously kills or administers poison to a dog, the property of another, upon conviction shall be punished by a fine of not less than \$10 nor more than \$500 or shall be imprisoned in the county jail for not less than 10 days nor more than 6 months, or suffer both such fine and imprisonment, at the discretion of the court.



## NEW YORK

Laws of 1939

Every person owning or harboring a dog must make application for a license to the clerk of the town or city, or, in the counties of Westchester and Nassau, to the clerk of the incorporated village in which the dog is harbored or kept. Licenses are not required for dogs under the age of 6 months which are not at large. The dog owner must pay to the clerk at the time of making application a \$2 license fee and 25-cent tag fee for each male dog or spayed female dog, and a \$5 license fee and 25-cent tag fee for each unspayed female dog. The owner of a kennel may make application for a kennel license and must pay the clerk a kennel license fee of \$10 together with a \$1 license fee and a 25-cent tag fee, for each dog listed in the application. If, during the license period, any other purebred dog duly registered or eligible for registry shall be harbored or kept in such kennel, the owner of the kennel must promptly make a supplemental application asking to have such dog included under the kennel license previously issued. The applicant shall pay to the clerk a \$1 license fee, and a 25-cent tag fee for each dog listed in the supplemental application. The dog owner must place and keep on each licensed dog a suitable collar to which must be securely attached the tag applicable to such dog. No dog is permitted to be at large without a collar and tag. All dog owners failing to procure licenses for their dogs are subject to penalties. A peace officer or any designated representative of the commissioner of agriculture may seize any unlicensed dog either on or off the owner's premises. The owner of a dog seized may redeem the dog within 3 days, if the seizure is within a city, and within 5 days if elsewhere within the State by producing a license for the dog and paying to the clerk \$2 as the cost of the seizure. If not redeemed, the dog must be sold or killed by the peace officer. The commissioner may at any time by order require that all dogs in any town, city, or county shall be securely confined between sunset and 1 hour after sunrise during the period designated in the order.

If a dog attacks, chases, or worries any domestic animal, the owner or caretaker of such domestic animal, or any person witnessing the attack, may kill the dog while so attacking, chasing, or worrying, and no liability in damages or otherwise shall be incurred on account of such killing. Any person may make a complaint of such an attack on domestic animals to a justice of peace of a town or to a magistrate, if within a city. The justice or magistrate shall inquire into the complaint on written notice of not less than 3 days to the owner of the dog. If convinced that the dog is dangerous, the justice may order the owner, if within the territorial jurisdiction of the court, or, if not within such jurisdiction, then any peace officer to kill the dog immediately. The owner of domestic animals attacked, chased, worried, or killed by dogs shall immediately on discovery notify the nearest assessor of the city or town where the damage was done of the fact and that he claims indemnity, and requires that the damages be determined. The assessor determines the amount of damages actually apparent and makes a report as to the amount. If the amount of damage is more than \$50, the assessor notifies the other assessors, who inquire into the matter. The report is then filed in the office of the county treasurer and a copy delivered to claimant. If dissatisfied, the claimant may, within 10 days, request a review. The county treasurer may also request a review. On completion of the investigation the commissioner renders a decision as to the amount of the damages. The damages determined shall be paid by the county treasurer to the claimant from funds arising under this article. If the funds are insufficient, then it shall be paid from such other funds as shall be raised by the board of supervisors, in the manner that funds are raised to pay other county charges. Any person who shall violate any provisions of this article is subject to a penalty. License fees and penalties arising from this article are used to pay damages to livestock from dogs and to defray the expenses of operating and enforcing the law. Any city, town, or village may impose restrictions not inconsistent with the provisions of this article on the keeping and running at large of dogs within such city, town, or village. The provisions of this article relating to the licensing of dogs and the indemnification of owners of domestic animals for losses caused by dogs do not apply to the city of New York.

## NORTH CAROLINA

Code of 1939

Under the regulations set forth by the State-wide dog law, the tax listers are required to ascertain the number of dogs owned or kept by any person, and such person is required to pay a privilege tax of \$1 for each male or spayed female over 6 months of age and \$2 for each unspayed female on or before October 1 of each year. The county officers determine whether a collar and license tag shall be issued, and whether they shall be worn by dogs. It is a misdemeanor to keep an unlicensed dog, and all persons upon conviction shall be fined not more than \$50 or be imprisoned not more than 30 days. All licensed dogs become personal property and are governed by the laws governing other personal property.

Any person may kill a mad dog or any dog killing livestock or poultry. A livestock owner who suffers losses by dogs makes complaint to the county commissioners. The commissioners appoint three freeholders to investigate the claim and ascertain the amount of damages. The damages approved by the committee of freeholders shall be paid out of the dog-tax fund. In case the owner of the dog or dogs which caused the damage is known, he shall reimburse the county to the amount paid out for such injury or destruction. Towns and cities are empowered to enact any ordinances they may deem necessary regulating the keeping of dogs. The State-wide dog law does not operate in certain counties in the State.

## NORTH DAKOTA

Compiled laws of 1913. Session laws of 1939

Municipalities are empowered to tax dogs at their discretion. The owner of any livestock or poultry may kill any dog, wolf, or coyote kept as a domestic animal when he sees such dog, wolf, or coyote in the act of killing, chasing, worrying, or damaging any livestock or poultry. He shall not be held liable in any civil action to the owner of the dog, wolf, or coyote kept as a domestic animal so killed. The owner of a dog is held liable for all damages done to sheep or to other domestic animals.

## OHIO

General code of 1938

All dogs over 3 months of age must be registered annually before January 1 and a registration fee paid to the county auditor of the county in which the dog is kept. Registration fee on males or spayed females is \$1, and on unspayed females \$3 each. A kennel license may be obtained for \$10. Licensed dogs, except those constantly confined to kennels, must wear their metal tags at all times. County dog wardens are instructed to seize and impound all dogs over 3 months of age found without registration tags, and to sell or destroy such dogs if not redeemed within 3 days. The owner or keeper of a dog seized and impounded for not wearing a valid registration tag may at any time prior to the expiration of the 3 days redeem the dog by paying to the dog warden all the costs assessed against the animal and providing it with a valid registration tag. Any person who fails to make application for a license is subject to a fine of not more than \$25 and costs of prosecution. All funds arising from this act are placed in the dog-and-kennel fund. This fund is used in paying the cost incurred in making this law operative and to reimburse livestock owners for losses caused by dogs. If after all claims have been settled, in December of each year, over \$1,000 remains in this fund, the county commissioners, in counties having duly organized societies for the prevention of cruelty to children and animals, shall transfer to this society such part of these funds as they deem necessary for the use of the society. Any owner of livestock which has been injured or killed by dogs not belonging to him or harbored on his premises, in order to be entitled to enter a claim for damages, must notify a county commissioner within 48 hours after such loss has been discovered. Claims for damages to livestock are presented to the township trustees and must be verified by the testimony of at least two freeholders. The county commissioners pass on the claims at the next regular meeting after such claims have been submitted and allow the amount or a part of it to be paid out of the dog-and-kennel fund. If in any year there should not be money enough in the dog-and-kennel fund to pay the claims allowed for livestock injured or killed by dogs, it is the duty of the county commissioners to ascertain the funds needed and

to fix the license fees for the ensuing year at such an amount as will cover all claims and expenses of administration.

It is unlawful for the owner, keeper, or harbinger of any female dog to permit such dog to go beyond his premises while she is in heat unless properly in leash.

The owner or keeper of every dog must keep such dog at all times between the hours of sunset and sunrise of each day either confined upon his premises or firmly secured by means of a collar and chain or other device so that it cannot stray beyond the owner's or keeper's premises, or under the reasonable control of some person; or, when the dog is lawfully engaged in hunting, it must be accompanied by an owner or handler. Whoever fails to keep a dog under control as provided in this act is liable to a fine of not less than \$10 nor more than \$25.

## OKLAHOMA

General statutes of 1931. Amended in 1935

All dogs which have been listed by their owners for taxation are considered personal property for all purposes. Dogs are taxed at the option of the councils of the cities and towns of the State. City councils are further empowered to prevent dogs from running at large. It is lawful for any person to kill any dog found, off the premises of the owner of such dog, chasing or worrying sheep. The owner or owners of any animal of the dog kind that kills, worries, or injures any sheep, lamb, goat, or kid are jointly and severally liable to any person so damaged, to the full amount of the injury done, and the court or justice, before whom a recovery is had for any such injury, must declare the animal found to have occasioned the injury to be a common nuisance and order the defendant to kill such animal within 24 hours after the rendition of the judgment. Appeals are allowed in all such cases and are prosecuted in the manner prescribed by the general statutes governing appeals.

## OREGON

Code of 1930 and supplement of 1935. Amended in 1939

Dogs are considered as personal property. Every person owning or keeping any dog over the age of 8 months within the State of Oregon must procure a license for such dog from the county clerk of the county in which said person resides, not later than March 1, of each year, or 30 days after he becomes the owner of such dog. The license fee shall not be greater than \$2 for each male or spayed female dog and not greater than \$3 for each unspayed female dog. The license is for a period of 1 year from January 1. Any person failing to procure a license within the specified time is required on procuring the license to pay as a penalty an additional sum of \$2 for each dog. All funds derived from dog-license fees and fines are turned over to the county treasurer to be kept in a fund known as the dog-license fund. This fund is used to satisfy claims by livestock owners for damages done by dogs. The amount of money in the dog-license fund in excess of \$1,000 on January 1 of each year is placed in the general fund of the county.

On the petition of 100 or more legal voters of any county, 15 or more voters of an election precinct, or 20 or more voters of an incorporated city in the State, being filed with the county clerk 45 days before the general or special election in any year, the county clerk shall cause notice to be given that at such election a vote will be taken for and against permitting dogs to run at large in that county, precinct, or city in question. This procedure is not followed in a county in which there is located a city having a population of more than 100,000. No election is held for the entire county. If the majority of votes cast are against permitting dogs to run at large, the county clerk gives notice. After 60 days from the date of notice the owner of any unmuzzled dog found running at large and away from the premises of the owner is subject to a fine of \$10 for the first offense and \$25 for each subsequent offense.

The county court of any county in this State may declare, or upon the presentation of a petition signed by not fewer than 50 sheep or goat owners in the county it must declare, such county a dog-control district. A board of supervisors appointed by the county court is given full authority to issue licenses and to enforce all laws relating to the control of dogs within such district.

Dogs are considered running at large when they are off their owners' premises without a muzzle or when not under the control of their owners or keepers. It is unlawful for any dog to run at large in a county which comes under the provisions of this act without having a shepherd's muzzle properly fastened around its nose

and neck to prevent it from injuring sheep or other domestic animals. When such a dog is found running at large it is the duty of the officers of the law to kill it. A fee of \$1 is paid out of the dog fund for each dog so killed. These provisions concerning the running at large and right to kill do not apply in the case of herdsmen using dogs for legitimate protection of flocks against the ravages of wolves and other wild animals.

Dog owners are liable to livestock owners for damages done by their dogs. Any person may kill any dog under such circumstances as to show satisfactorily that the dog has been recently engaged in killing or chasing sheep or other domestic animals. Any dog, whether licensed or not, which, while off the owner's premises, shall kill, wound, or injure any livestock not belonging to the master of the dog, shall be deemed a public nuisance. Any person owning, harboring, or keeping any unlicensed dog, or any person owning, harboring, or keeping any dog which he knows has killed, wounded, or chased livestock, is guilty of a misdemeanor, and on conviction is subject to a fine of not less than \$10 nor more than \$100.

### PENNSYLVANIA

Statutes of 1936

The owner of any dog 6 months old or over must apply to the county treasurer, on or before January 15 of each year, for a license for any dog owned or kept by him. The application must be accompanied by a license fee of \$1 for each male dog and for each spayed female dog for which the certificate of a veterinarian or the affidavit of the owner is produced, and by a license fee of \$2 for all other female dogs. An additional fee of 10 cents is also paid by the applicant for the issuing and recording of the license. A metal tag is issued by the county treasurer with each license, which tag must be affixed to a substantial collar and worn by the dog at all times. Any person who keeps or operates a kennel may, in lieu of the license for each dog required by this act, apply to the county treasurer for a kennel certificate. The kennel fee is \$10 for 10 dogs or fewer and \$20 for more than 10 dogs permitted to be kept under the kennel certificate. Dogs kept under a kennel certificate cannot leave the kennel except on leash or in crate. It is unlawful to keep an unlicensed dog.

All moneys received by the county treasurer from license fees and fines are remitted to the State treasurer on the first Monday of each calendar month. The State treasurer establishes a separate fund known as the dog fund, from which is appropriated money from time to time to the department of agriculture for the purpose of carrying into effect the provisions of this act.

Police officers are authorized to seize and detain any dog found running at large and to kill any dog found running at large which does not bear a proper license tag. A licensed dog which has been seized must be claimed by the owner within 10 days. All unclaimed dogs are disposed of by police officers.

Any person may kill a dog which he sees in the act of pursuing, worrying, or wounding livestock, and he is not liable in damages for such killing. Any unlicensed dog that enters a field or enclosure where livestock or poultry are confined shall constitute a private nuisance, and the owner or tenant of such field may kill the dog while it is in the field or enclosure without liability for the killing. This does not apply to licensed dogs accompanied by the owner unless caught in the act of worrying, wounding, or killing livestock or attacking human beings. It is unlawful for any person, except a police officer, to kill, injure, poison, or attempt to kill, injure, or poison any dog which bears a license tag for the current year. The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep the dog either confined within an enclosure, or firmly secured by means of a collar and chain, or under the control of some person. Any police officer may kill any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of the owner or handler.

Whenever any person sustains loss or damages to livestock or poultry by dogs, except when such loss or damage has been caused by a dog harbored by the owner of such livestock or poultry, the person may complain to a duly authorized agent of the Pennsylvania Department of Agriculture immediately after the damage was done. The complaint must be in writing and signed by the person making the complaint, and must state when, where, and how such damage was done, and by whose dog or dogs if known. Upon the receipt of such notice, the agent of the Pennsylvania Department of Agriculture examines at once the place where the alleged loss or damage was sustained and the livestock or poultry

injured or killed. The agent of the Pennsylvania Department of Agriculture then fixes a time for taking testimony relative to such claim and gives notice of such time to the claimant and to the dog owner, if known. The agent examines, under oath, any witness called before him. The appraiser must make diligent inquiry and determine the amount of the damages. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damages sustained. The owner pays the expenses incurred by the disinterested citizen. After the secretary or agent of the Pennsylvania Department of Agriculture has received and approved a report for damages, he immediately draws a check in favor of the claimant for the amount of loss or damage sustained. The Commonwealth will not make payment exceeding \$10 for each head of grade sheep or \$20 for each head of registered sheep injured or killed by dogs. A burial fee for sheep of \$1 for the first three animals and 50 cents for each additional animal is paid by the Commonwealth. Any owner or keeper of such dogs is liable to the owner of such livestock or poultry, in a civil action, for all damages and costs or to the Commonwealth to the extent of the amount of the damages.

A quarantine on dogs may be imposed upon the petition of 20 or more owners of livestock or poultry in any city, borough, or township. Any police officer may kill any dog running at large in a quarantined area without liability for damages for the killing.

The owner of a dog which has caused damage to livestock, when notified by the Pennsylvania Department of Agriculture to kill the dog, must do so within 10 days, or the dog may be killed by any police officer. Damages can be recovered for the illegal killing of a licensed dog.

This act does not apply to cities of the first or second class as regards payment of damages to livestock or poultry or for licensed dogs illegally killed. Violations are subject to a fine of not less than \$5, nor more than \$100 and costs of prosecution, or imprisonment not exceeding 30 days or both. The secretary of the Pennsylvania Department of Agriculture, through his officers and agents, is charged with the general enforcement of this law.

## RHODE ISLAND

General laws of 1938

City and town councils may make such ordinances concerning dogs in their respective cities and towns as they deem expedient.

Owners are required to register their dogs with the town clerk in April of each year. The tax is \$1.15 each on males and spayed females, and \$5.15 on unspayed females. Dogs may be registered in the month of May in any year but the fees are \$2.15 for a male or spayed female dog and \$6.15 for an unspayed female dog. A licensed dog is required to have at all times a collar bearing the dog's registry number and the name of the owner. There is a fine of \$10 for owning or keeping a dog not registered, licensed, and collared. Dogs kept for breeding purposes only and confined or kept in charge of owner at all times need not be registered if a kennel license is paid. A license fee of \$10 is charged for 10 dogs or less, over 6 months of age, and \$20 for more than 10 dogs kept in a kennel.

It is lawful to kill any dog found off the premises of its owner unattended and without a collar. Licensed and collared dogs are given the protection of the law. Any person may kill any dog found out of the enclosure of its owner or keeper, worrying, wounding, or killing any sheep or other livestock not the property of its owner.

The dog owner is liable for all damages done by his dog, same to be recovered by an action in court. The dog owner is liable for double the amount of damages to livestock for a second offense committed by the dog, and for a second offense the dog is ordered killed. Towns annually appoint appraisers to appraise damages to sheep owners. Any owner of livestock suffering loss by reason of the biting, maiming, or killing thereof by any dog or dogs must within 2 days after the knowledge of such loss notify the appraisers of the town or city council living nearest to him of the loss. The appraiser estimates the damage and gives the owner a statement thereof in writing. The owner must, within 60 days thereafter, present the same to the town council, which draws an order on the town treasurer for the amount. Any money remaining in the town treasury after April 1 is paid to the school fund of the town for the support of the public schools therein, except in those towns which may vote to retain such money as a separate fund for the payment of damages to livestock by dogs. The town may recover from the dog

owner, or the sheep owner may recover from the dog owner, but if the sheep owner prefers to sue the owner of the dog he cannot recover from the town.

Provisions are contained in the law for the prevention and control of rabies.

Any person violating the provisions of this law shall be fined not less than \$100 nor more than \$500 for each offense or be imprisoned for not less than 10 days nor more than 30 days.

### SOUTH CAROLINA

Code of 1932. Amended in 1933

On January 1 of each year an annual license is levied on all dogs except suckling pups. The amount of the license fee varies but does not exceed \$1.25 in any county. It is a criminal offense to own, harbor, or maintain a dog without paying the license, and anyone owning or harboring such dog is subject to a fine of not more than \$5 nor more than 5 days' imprisonment. Of the fines collected, 50 percent goes to the school fund of the district where violation occurs, 35 percent to the informer, and the remaining 15 percent to the State game-protection fund. A license tag is given each dog owner, which must be worn by the dog except when hunting. Dogs may be seized and sold, or even killed, if the tax is not paid. The county treasurer collects the license and retains 25 cents of each license as his fee and the cost of the tag. It is the duty of all game wardens, rural and city policemen, magistrates, constables, school trustees, and other peace officers to enforce this act.

It is lawful for any person finding a dog in the act of worrying or destroying sheep to kill the dog, and the person shall not be held liable in any action, civil or criminal. The owner of a dog is liable for double the damage that may be inflicted by the dog on sheep, but the damage must be recovered at the suit of the party sustaining the loss. All persons are prohibited from buying, selling, receiving, giving away, or otherwise owning, controlling, having, or keeping in possession, any dog or dogs known to be a sheep-killing dog. Any person failing to comply with this provision is subject to a fine not exceeding \$100, or imprisonment not exceeding 30 days.

The above general law was amended in 1933 so as to abolish the requirement of dog licenses and the collection of license fees in certain counties of the State.

### SOUTH DAKOTA

Code of 1939

Dogs are listed in each county by the county assessor, and a tax of \$1 on each dog is levied by the county commissioners. The dog tax when collected is credited to the school fund of the district from which it is collected. Any person who keeps, harbors, or owns a dog that chases, worries, or kills any livestock is liable for all damages committed by such dog. All property except such as is absolutely exempt shall be subject to execution issued upon a judgment for such damages and costs. In case dogs owned by different persons participate in the chasing, worrying, injuring, or killing of livestock, the dog owners may be sued jointly for damages. It is lawful for any person to kill a dog found, off the premises of the owner, in the act of chasing or worrying livestock.

### TENNESSEE

Code of 1938

The municipal authorities of the counties, townships, and cities are empowered to tax dogs at their own discretion. The State law forbids dogs to run at large. When any dog kills, or in any manner damages, any sheep in the State, the owner, or harborer of such dog shall be liable in an action for damage, to the owner of such sheep. Ignorance of the vicious habits or character of the dog on the part of the owner shall be no defense in any legal proceedings. It is a misdemeanor for any person to keep in his possession any dog or dogs that kill or chase sheep after he has received notice of the dog's acts and, upon conviction thereof, shall be fined in a sum not less than \$5 nor more than \$25.

In action for damages against any person for killing or injuring a dog, satisfactory proof that said dog had been or was killing or worrying sheep shall constitute a good defense to such action.

## TEXAS

Statutes of 1936 and supplement of 1938

The commissioners' court of any county may, upon the petition of 100 or a majority of the qualified property tax-paying voters of a county, order an election to determine whether or not the registration of and the tax on dogs shall be required in such county. The law becomes operative if a majority of those voting in such election vote their approval.

Under the law provided for adoption by the counties, each dog registered is subject to a tax of \$1 which is paid to the county treasurer at the time of registration. The registration tax is good for a period of 1 year.

It is unlawful for the owner or keeper of any dog, 6 months or more of age, to allow such dog to run at large, unless the dog has been duly registered with the county treasurer of the county in which the dog runs at large and has securely fastened about its neck an identification tag showing its registration. It is unlawful for the owner of any dog to allow such dog to run at large between sunset and sunrise of the following day, unless such dog has securely fastened about his mouth a leather or metallic muzzle that will effectively prevent it from killing or injuring sheep, goats, or other domestic animals.

The registration tax collected is placed in a special fund and used only for defraying the expenses of the administration of this act in such county and for reimbursing the owner or owners of sheep, goats, and other livestock that may have been killed by dogs not owned by the person seeking reimbursement. Such payment is made in the amount and at such times as the commissioners' court may determine. In the event that such fund is insufficient to reimburse all injured parties in full, payment is made pro rata.

Any dog, whether registered and tagged or not, when found attacking any sheep, goats, or other domestic animals may be killed by anyone present and witnessing or having knowledge of such attack and without liability in damage to the owner of such dog. Any dog known or suspected to be a killer of sheep, goats, or other livestock may be impounded by any person, until owner is notified and all damages paid to the proper parties. Any dog known to have attacked or injured any domestic animal must be killed by the owner; and, upon failure of such owner to do so, any sheriff or officer of the law is authorized to kill the dog.

The owner of any sheep, goats, or other domestic animals, subject to the ravages of sheep-killing dogs, may place poison on the premises where such domestic animals are kept, after posting notices of such poison at each place of entrance to his premises.

The owner of any dog who willfully fails or refuses to register or who willfully fails or refuses to kill such dog when ordered by the proper authorities to do so, or who willfully violates any provision of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding \$100, or by confinement in the county jail for not more than 30 days, or by both such fine and imprisonment.

## UTAH

Revised statutes of 1933 and supplement of 1939

The commissioners of any county, city councils, and the boards of trustees of towns may license, tax, and prohibit the keeping or running at large of dogs.

Any person may kill a dog while it is attacking, chasing, or worrying a domestic animal having a commercial value or while such dog is being pursued thereafter. Every person owning or keeping a dog is liable in damages for any injurious act committed by such dog. It is not necessary, in any action brought, to prove that the dog was of a vicious or mischievous disposition or that the owner or keeper knew the dog was vicious or mischievous. When any injury has been committed by two or more dogs acting together, and the dogs are owned or kept by different persons, all such persons are liable for damages, and the amount found by the court as damages for the injury is apportioned among the several defendants.

## VERMONT

Public laws of 1933

A person owning, keeping, or harboring a dog more than 4 months old must apply to the town clerk on or before April 1 for a license for such dog. The license fee is \$2 for each male or spayed female and \$6 for each unspayed female. If the license is not obtained by the 1st of April, it may be obtained before May 15

by payment of a fee 50 percent in excess of that otherwise required. The owner or keeper of dogs kept for breeding purposes may take out annually, on or before April 1, a special license for such dogs. The license fee is \$30 for 10 dogs or fewer and \$2 for each additional dog kept in the kennel. Funds received by the town treasurer are set aside in the dog-tax fund to be used in carrying this law into effect. Licensed dogs are required to wear collars bearing the name of the owner or keeper and the license number. Unlicensed and vicious dogs are to be killed.

Sheep owners suffering damage from dogs must report their losses within 24 hours to one or more of the selectmen of the town wherein the damage was done. The damages are appraised by the selectmen of the town, or if the damage exceeds \$20 by selectmen and two disinterested persons. Such appraisal shall be for the full value of all animals killed, not less than one-half value of all animals maimed, and not less than 50 cents per head, for any injury caused by worrying, to the remainder of the flock over 3 months of age. Reparation is made by the town from the dog-tax fund. If the dog or dogs which have done the damage are identified they are to be killed. Selectmen may offer a reward not to exceed the sum of \$5 for the identification of a sheep-killing dog. The owner of the dog is liable to the town for all damages done by his dog, for which the town has paid. If the sheep owner wishes, he may sue the dog owner in an action of tort instead of recovering damages from the town, and in such instances the owner is liable for twice the amount of damages plus twice the cost of suit.

## VIRGINIA

Code of 1936

It is the duty of the owner of any dog, 4 months old or over, to pay a license tax to the treasurer of his respective county or city on or before January 1 of each year. If a dog becomes 4 months of age or comes into the possession of any person between January 1 and November 1 of any year, the license tax for the current calendar year must be paid by the owner. If a dog becomes 4 months of age or comes into the possession of any person between October 31 and December 31 of any year, the license tax for the succeeding calendar year must be paid by the owner, the license protecting the dog from date of purchase. Any dog not wearing a collar bearing a license tag of the proper calendar year shall be deemed to be unlicensed. Dog licenses shall run from January 1 to December 31 of each year. The license tax is \$1 for each male or spayed female and \$3 for each unspayed female. Any person may buy one or more kennel licenses to cover dogs owned by him in lieu of the license required for each dog under this act. The kennel license tax shall be \$15 for a 20-dog kennel and \$25 for a 50-dog kennel. On payment of the license tax, the treasurer gives the licensee a receipt and delivers the metal license tags or plates. If a license tag is lost or stolen, the owner may apply to the treasurer, and on the payment of 10 cents and the presentation of the receipt showing payment of the license tax, may receive a duplicate tag. The tag must be attached to the dog's collar and worn at all times. Any person failing to pay the license tax on any dog owned by him shall pay a fine of not less than \$5 nor more than \$100, together with costs of prosecution. It is unlawful for any person to conceal or harbor any dog on which the license tax has not been paid. It is also unlawful for any owner to permit a dog to run at large at any time without a license tag. The boards of supervisors of the counties of this State are authorized, in their discretion, to prohibit the running at large of dogs during such months as they may designate.

Any person finding a dog in the act of killing, injuring, worrying, or chasing sheep, or other livestock, may kill it whether it bears a tag or not. Any person who has reason to believe that any dog is killing livestock, but which has not been found in the act, shall apply to a magistrate of the county, city, or town wherein the dog may be. The magistrate shall issue a warrant requiring the owner or custodian to appear before him, when evidence shall be heard concerning the dog. Any person killing a dog under this act must burn or bury the body.

Any person, taxed by the State, who shall have any livestock or poultry killed or injured by any dog shall be entitled to receive compensation at the assessed value of the livestock and fair value of unassessed lambs and poultry. The person suffering damages may in addition recover from the owner of such dog if known, in an appropriate action at law, the difference between the assessed value and the full value of such livestock. Claimants for damages must furnish evidence, under oath, of quantity and value to the board of supervisors of the county



within 90 days after sustaining the damage. Any person presenting or receiving any money on a false claim, shall be fined, upon conviction, not exceeding \$100 or imprisonment not exceeding 3 months, or both. All money collected for dog-license taxes is kept in a separate fund, and a part of it used to pay for damages to livestock and poultry. In case the amount is not sufficient to satisfy all claims for such damages, the same shall be filed and paid in the order of presentation out of the first available money coming into the fund. Any fund in excess of \$250 remaining in the hands of the treasurer on December 31 is transferred to the general fund of his county or city. Each incorporated town is entitled to share pro rata in the fund so disbursed in the proportion that the amount of the license tax collected in such town bears to the total dog-license tax in the county in which the town is located, to be used as the town council or other governing body of the town may direct. All dogs in this State on which the license tax is not delinquent are deemed personal property and may be the subject of larceny. Any person stealing a dog the property of another is guilty of a misdemeanor.

### WASHINGTON

Laws of 1929. Amended in 1935 and 1937

In each county which elects to proceed under the provisions of the State dog law, which election shall be by the vote of its board of county commissioners, it is the duty of each county and township assessor annually, at the time of assessing personal property, to make a list of all persons who own or keep a dog or dogs outside the corporate limits of any city. A license tax of \$1 for each male or sterilized female dog and \$2.50 for each unsterilized female dog is assessed against the owner. The owner or keeper of a dog kennel must pay a license tax of \$10 for 20 dogs or less and \$5 for each additional 20 dogs or fraction thereof. License taxes must be paid on or before August 1 or become delinquent, in which case they are collected in the same manner as delinquent personal property taxes. On payment of the license tax the county treasurer delivers to the dog owner a license and a metallic tag for each dog taxed or licensed. The metallic tag bears the name of the county issuing it, a serial number, and the calendar year in which issued. The tag must be attached to a substantial collar and worn by the dog. All license taxes collected are placed in a separate fund in the office of the county treasurer and known as the county dog-license tax fund.

The owner or keeper of any dog is liable to the owner of any animal killed or injured by such dog for the amount of damages sustained and costs of collection, to be recovered in a civil action: *Provided*, That in case the owner of the dog is unknown, or the damages cannot be collected, the person suffering damages may present a claim for them to a justice of the peace in the county in which he resides. The claim must be made within not more than 40 days after the animals have been killed or injured and an affidavit made stating the number of such animals killed or injured, the amount of damages, and the name of the owner of the dog or dogs, if known. The damages must be proved by not fewer than two witnesses, who shall be freeholders of the county. Damages allowed shall not exceed \$12.50 a head for unregistered sheep or goats killed or injured and \$25 a head for registered sheep or goats killed or injured by dogs. The county treasurer pays to the claimant out of the county dog-license tax fund the amount of damages sustained as certified by the justice of the peace.

It is lawful for any person who shall see any dog or dogs chasing, biting, injuring, or killing any sheep or other domestic animals belonging to such person on any real property owned, leased, or under the control of such person or on any public highway, to kill such dog or dogs. It is the duty of the owner after being notified of his dog's being found chasing, injuring, or killing sheep, or other domestic animals, to keep the dog in leash or confined upon the premises of the owner or keeper thereof. Neglect of the owner to comply with these provisions makes it lawful for the owner of the domestic animals chased, injured, or killed to kill the dog found running at large. It is the duty of any person owning or keeping any dog or dogs which shall be found killing any domestic animal to kill such dog or dogs within 48 hours after being notified of that fact. Failure to do this is considered a misdemeanor. It is the duty of the sheriff to kill any dog found running at large, after August 1 of any year and before March 1 in the following year, without a metal identification tag. On March 1 of each year all moneys in the county dog-license tax fund in excess of \$500 are transferred and credited by the county treasurer to the current-expense fund of the county.

## WEST VIRGINIA

Michie's code of 1937

All dogs above 8 months old are subject to taxation and are made personal property. Dogs are listed by the county assessor, and the dog owner pays to the assessor a head tax of \$1 on each male dog and \$2 on each female dog which he owns or keeps. On the owner's failure or refusal to pay this tax to the assessor when assessed or within 15 days thereafter, the dog is turned over to and held by the sheriff. The dog may be redeemed by the owner by paying the delinquent tax fee plus an impounding fee of \$1.50. In addition to this head tax on dogs the owner of any dog above the age of 8 months is permitted to place a value on it and the dog is assessed as other personal property. Ordinances of each and every municipality within the county may also levy a head tax on dogs.

All taxes collected on dogs, except those belonging to municipalities, are credited to the fund for the compensation of persons who have suffered loss or damage on account of the destruction, loss, or injury of any sheep or goats by dogs. Claims for the loss or damage shall be presented to and allowed, when satisfactorily proved, by the county court. The owner of any dog which has killed, wounded, or worried sheep, lambs, goats, or kids, out of the enclosure of the owner of the dog, is liable to the owner of the sheep or goats killed or injured in the amount of the damages sustained. The damages may be recovered in action before any court or justice having jurisdiction of such action, and it is not necessary to prove that the dog owner knew the dog was accustomed to do such worrying, killing, or wounding of sheep or goats. When damages have been recovered from the dog owner, compensation from the county court cannot be obtained. When compensation is obtained from the county court, the county is authorized to sue and recover from the dog owner the amount of the damages. Any person harboring or secreting any dog which he knows or has reason to believe has worried, chased, or killed sheep or goats is guilty of a misdemeanor, and upon conviction is subject to a fine of from \$10 to \$50 or imprisonment in the county jail for not more than 30 days. Each day that such dog is harbored or secreted constitutes a separate offense.

The owner or keeper of any dog that has been worrying, wounding, chasing, or killing any sheep, lambs, goats, or kids must kill such dog within 48 hours after having received notice thereof in writing from reliable and trustworthy source of the dog's actions. If the dog owner refuses to kill the dog, any justice of the peace, upon information, may summon the dog owner and, after receiving satisfactory proof that his dog did the mischief, shall issue a warrant on application by the sheep owner, and give it into the hands of the constable or sheriff, who must kill the dog forthwith. The costs of the proceedings are paid by the dog owner, and, in addition, the dog owner is liable to the sheep owner or to the county court for the value of the sheep, lambs, goats, or kids killed or injured. Any person may kill any dog that he may see chasing, worrying, wounding, or killing any sheep, lambs, goats, or kids outside of the enclosure of the dog owner, unless the same be done under the direction of the owner of the sheep, goats, or kids.

Appraisers are appointed by a justice of the peace and notary public on the request of any person suffering damages. The complainant is required to make a sworn complaint of the damages, to the best of his knowledge, before appraisers may be summoned. Reports and statements are turned over to the county court. Surplus funds remaining after all claims and expenses arising from damages to sheep and goats have been paid are annually credited to the teachers' fund of the different school districts of the county in proportion to the school population of each.

Any person who unlawfully kills or injures, administers poison to, or knowingly exposes the same so that it shall be taken by any dog is guilty of a misdemeanor punishable by fine or imprisonment.

## WISCONSIN

Statutes of 1937. Amended in 1939

All owners of dogs are listed by assessors. Every person who owns, keeps, or harbors a dog more than 6 months of age on January 1 of any year must obtain annually a dog license by the payment of a fee of not less than \$1 for each male or spayed female and \$2 for each unspayed female dog. The governing body of any county may by a majority vote of the members present at any regular meeting

raise any or all such minimum dog-license taxes. The fees are paid to the town, village, or city treasurer or his deputy, who must furnish the dog owner with a metal tag bearing the license serial number, the name of the county, and the license year. This metal tag must be securely attached to a collar and kept on the dog at all times. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed. It is unlawful for any person to harbor or permit to remain about his premises any dog for which no license exists and for which one is required.

Any dog found or discovered off the premises of its owner between sunset and sunrise and unaccompanied by its owner or some person in control of it shall be considered an unlicensed dog and a private nuisance and may be seized, restrained, impounded, and disposed of as provided in this law by anyone during such time and before it returns to the control or premises of its owner. Any person may kill a dog whether licensed or unlicensed if found killing or worrying any domestic animal.

All license fees received in the towns, villages, and small cities are transferred to the county treasurer and kept in a separate account known as the dog-license fund. Five percent of the money in the dog-license fund is paid into the State treasury and the remainder is used to cover the costs of administering the dog-license law and for paying claims allowed by the county to the owners of domestic animals suffering damages by dogs. Any surplus in excess of \$1,000 in any license year is returned on March 1 of the succeeding year by the county treasurer to the towns, villages, and cities in the proportion in which they contributed to the fund.

The owner of any domestic animals or poultry attacked, chased, worried, injured, or killed by a dog or dogs may within 10 days after his knowledge thereof file a written claim for damages with the clerk of the town, village, or city in which the damage occurred. Upon presentation of the claim the supervisors of the town, the board of trustees of the village, or the common council of the city or a committee appointed by them, promptly investigates the claim and must, within 30 days after the filing of the claim, make, certify, and return a report of the investigation to the county clerk. The report includes all testimony and the amount of damages suffered by the owner of the animals, together with their assessed valuation as shown on the last assessor's record of assessments or a valuation of similar animals.

The county clerk lays before the county board at its first meeting, following the receipt of any such claim, all claims so filed and reported which are acted upon and determined by the county board as other claims are determined and acted upon, and equalizes the values and claims between and within the various towns of the county. The amount of damages filed and reported to the county clerk is deemed prima facie proof of the actual damages sustained, but evidence may be taken before the county board relative to the claims as in other cases and appeals. Such claims shall be solely against the dog-license fund and shall create no other liability on the part of the county. When the claims are finally determined, the claimant is paid 80 percent thereof out of the dog-license fund. The amount allowed by the county board upon such claims shall in no case exceed 50 percent more than the assessed valuation of such personal property as shown on the last assessment record. If the claimant shall furnish conclusive evidence as to the ownership of the dog or dogs doing the damage the claimant is paid the full market value of the damaged property.

The county may sue and recover from the owner of the dog or dogs doing the damages the full amount thereof, which amount shall not be limited to the sum paid the claimant by the county. Before any claim is allowed by the county on account of damages done by dogs, the claimant must furnish satisfactory proof that the damage was not done in whole or in part by any dog owned, kept, or harbored by him.

Any person owning or harboring a dog known to have worried, wounded, or killed any livestock is liable to pay damages in double the value of any animals which may be thereafter killed or injured by such dog.

Any person who shall violate any of the provisions of this act shall be liable to a penalty of not less than \$5 nor more than \$50 for such violation.

## WYOMING

Revised statutes of 1931. Session laws of 1933 and 1937

Dogs are deemed to be personal property and the subject of larceny the same as other personal property. Cities of the first class have power to collect a license tax of not less than \$1, nor more than \$5, upon the owners and harborers of dogs

and to enforce the same by appropriate penalties and to cause the destruction of any dog the owner or harbinger of which shall refuse or neglect to pay such license tax. All moneys received from dog taxes are placed in a dog-license fund.

A dog-control district may be created in any county by the filing of a petition with the clerk of the board of county commissioners signed by a majority of the resident landowners within the boundaries of the proposed district. The board of county commissioners of any county in which a dog-control district is formed is required to levy an annual license tax on all dogs within the district of \$1 per head on male dogs and \$2 per head on female dogs. The proceeds of such tax is paid into the office of the county treasurer of each county, where it is kept in a separate fund to be known as the indemnity fund of that particular district.

The owner or owners of any dog or dogs shall be liable for any and all damages that may accrue to any person, firm, or corporation by reason of such dog or dogs killing, wounding, worrying, or chasing sheep or other domestic animals belonging to such person, firm, or corporation, and such damage may be recovered in any court having jurisdiction of the amount claimed. A person or corporation suffering a loss of sheep or other livestock within a dog-control district from the depredation of dogs is entitled to be reimbursed for such loss from the indemnity fund upon the filing of a sworn statement of such loss in the office of the county clerk of such county, certified to by two responsible citizens of the community who have been called to investigate and appraise such loss by the sheriff of the county, and upon the approval of such claim by the board of county commissioners who shall thereupon fix the loss and issue a warrant from which shall be deducted any costs of investigation, directed to the county treasurer and payable only out of the dog-license fund.

## COMPLETE DOG LAW OF MICHIGAN

The complete dog law of the State of Michigan is given as an example of a modern law which really offers protection to flockmasters. Information from field men and sheepmen from this State show that this law has had the support of the people and has been efficiently enforced by the police, and hence has proved to be a real protection and aid to the sheep industry of the State. Favorable reports as to the effectiveness have been received from field men in other States which have laws similar to the Michigan law. Although the text of this law is not suited to every State, the principles may be adopted to advantage.

**ACT NO. 339. PUBLIC ACTS OF 1919. AMENDED IN 1921. AMENDED IN 1925 BY ACT 31 AND ACT 322, PUBLIC ACTS OF 1925, BY ACTS 52 AND 114, PUBLIC ACTS OF 1927, BY ACT 131, PUBLIC ACTS OF 1929, BY ACT 286, PUBLIC ACTS OF 1931, BY ACTS 79 AND 189, PUBLIC ACTS OF 1933, BY ACT 47, PUBLIC ACTS OF 1937, AND BY ACT 17, PUBLIC ACTS OF 1939**

AN ACT Relating to dogs and the protection of livestock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the determination and payment of damages done by dogs to livestock and poultry; imposing powers and duties on certain State, county, city, and township officers and employees, and to repeal act number three hundred forty-seven of the Public Acts of nineteen hundred seventeen, and providing penalties for the violation of this act.

*The people of the State of Michigan enact:*

SECTION 1. This act shall be known and may be cited as the dog law of nineteen hundred nineteen of the State of Michigan. For the purpose of this act the following terms shall have the following meaning, respectively, designated for each: The term "livestock" shall apply to horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, and swine. The term "poultry" shall include all domestic fowl. The word "person" shall include State and local officers or employees, individuals, corporations, copartnerships, and associations. Singular words shall include the plural. Masculine words shall include the feminine and neuter.

The word "owner," when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about any premises occupied by him. The term "kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, or sporting purposes. The term "police officer" shall mean any person employed or elected by the people of the State of Michigan, or by any municipality, county, or township, and whose duty it is to preserve peace or to make arrests or to enforce the law. The term "police officer" includes game, fish, and forest-fire warden, and members of the State constabulary.

SEC. 2. From and after June fifteenth, nineteen hundred twenty-five, it shall be unlawful for any person to own any dog four months old or over, unless said dog is licensed as hereinafter provided, or to own any dog four months old and over that does not at all times wear a collar with metal tag attached as hereinafter provided, except when engaged in lawful hunting accompanied by its owner or custodian; or for any owner of any female dog to permit said female dog to go beyond premises of such owner when she is in heat, unless such female dog is held properly in leash; or for any person, except the owner or authorized agent, to remove any license tag from a dog; or for any owner to allow any dog to stray beyond his premises unless under reasonable control of some person or when engaged in lawful hunting, accompanied by his owner or custodian.

SEC. 3. Every dog shall at all times between sunset of each day and sunrise of the following day be confined upon the premises of its owner or custodian, except when said dog is otherwise under the reasonable control of some person.

SEC. 4. The State livestock sanitary commission shall have general supervision over the licensing and regulation of dogs and the protection of livestock and poultry from dogs, and may employ all proper means for the enforcement of this act, and all police officers of the State, county, municipality, or township shall be at its disposal for that purpose.

SEC. 5. It shall be the duty of the State livestock sanitary commission to purchase from time to time, as may be necessary, a sufficient number of tags for the State of Michigan, which tags shall be purchased from such commission by the treasurers of the counties as the same may be needed to comply with the provisions of this act. Such tags shall be sold at cost to the said treasurers. The State treasurer is hereby authorized to advance to the said commission, out of any funds of the State, such sum of money as may be necessary from time to time to pay for the tags so purchased by the State livestock sanitary commission, which sum shall be repaid to the State treasurer from the money collected from the county treasurers in payment for the tags. The said commission is hereby authorized to extend thirty days' credit to any county treasurer for tags so purchased. The commission shall also furnish to each county treasurer, on or before November fifteenth of each year, a book containing proper forms for issuing dog licenses required in his county, together with the necessary blanks for the use of the supervisors and assessors of such county; such books and blanks shall be furnished to said commission by the board of State auditors without cost to said commission. The tag required by this act shall be not more than one and one-half inches in length and uniform in shape throughout the State, the general shape of which shall be changed from year to year; such tags shall have impressed upon them the calendar year for which they are issued and shall bear the name of the county issuing them and shall be numbered consecutively.

SEC. 6. On or before the first day of March nineteen hundred thirty-eight, and on or before the same day of each year thereafter, the owner of any dog three months old or over, shall, except as provided in section fourteen, apply to the county, township, or city treasurer, where said owner resides, in writing, for a license for each such dog owned or kept by him: *Provided, however,* That the board of supervisors of any county of this State may by resolution extend the time for application for license until June first of any year, and wherever the date of March first is used in this section, the same shall be June first as applied to such county. Such application shall state the breed, sex, age, color and markings of such dog, and the name and address of the last previous owner. At the time of making said application the owner shall pay the following license fee: If said application is made before March first the same shall be accompanied by a license fee of one dollar for each male dog or unsexed dog; and two dollars for each female dog; if said application is made on or after March first, the same shall be accompanied by a license fee of two dollars for each male dog or unsexed dog; and four dollars for each female dog: *Provided, however,* That the board of supervisors of any county in this State in which the collections of the fees hereinbefore prescribed shall exceed

the amount of money necessary to pay the necessary fees and damages caused by dogs, as provided in this act, in such county, may, by resolution, reduce such fees to an amount deemed necessary by said board to bring in sufficient funds to pay the damages caused by dogs, as provided in this act, in such county: *Provided further*, That the board of supervisors of any county in this State in which the collections of the fees hereinbefore prescribed shall not be sufficient to pay the necessary fees and damages caused by dogs, as provided in this act, in such county, may, by resolution, increase such fees to an amount deemed necessary by said board to bring in sufficient funds to pay the damages caused by dogs, as provided in this act, in such county.

SEC. 7. The county treasurer shall then deliver to said owner a license and also one of the metal tags before mentioned, such tag to be affixed to a substantial collar to be furnished by the owner, which, with the tag attached, shall at all times be kept on the dog for which the license is issued, except when such dog is engaged in lawful hunting accompanied by its owner or custodian.

SEC. 8. Any person becoming the owner, after the first day of March, nineteen hundred twenty-six, or any year thereafter, of any dog four months old or over, which has not already been licensed, or any person owning a dog which becomes four months old at any time after the first day of March of any year, shall forthwith apply for and secure a license for such dog, and in case of application made at any time after the tenth day of July of any year, the license fee shall be one-half the amount affixed as the annual license fee for such dog.

SEC. 9. Each license issued shall be dated and shall bear a serial number corresponding to the number on the metal tag furnished to said owner; it shall also bear the name of the county issuing the same and a full description of the dog licensed.

SEC. 10. Any person who keeps or operates a kennel may in lieu of individual license required under this act apply to the county treasurer for a kennel license entitling him to keep or operate such kennel. Such license shall be issued by the county treasurer, on a form prepared and supplied by the commissioner of agriculture, and shall entitle the licensee to keep any number of dogs six months old or over, not at any time exceeding a certain number to be specified in the license. The fee to be paid for each kennel license shall be seven dollars and fifty cents for ten dogs or less, and fifteen dollars for more than ten dogs: *Provided*, That an additional fee of five dollars be charged for each kennel license applied for after the first day of June. With each kennel license the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All such tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily distinguishable from the individual license tags for the same year.

SEC. 11. The licensee of a kennel shall, at all times, keep one of such tags attached to a collar on each dog four months old or over kept by him under a kennel license. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel. This section does not prohibit the taking of dogs having a kennel license outside the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dogs out of the kennel temporarily for the purpose of hunting, breeding, trial, or show.

SEC. 12. If any dog tag is lost, it shall be replaced without cost by the county treasurer, upon application by the owner of the dog, and upon production of such license and a sworn statement of the facts regarding the loss of such tag.

SEC. 13. No license or license tag issued for one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may be likewise transferred, upon notice given to the county treasurer, who shall note such transfer upon his record. This act does not require the procurement of a new license, or the transfer of a license already secured, when the possession of a dog is temporarily transferred for the purpose of hunting game or for breeding, trial, or show in the State of Michigan.

SEC. 14. Every township or city treasurer in the State shall, on or before December first, nineteen hundred twenty-five, and of each year thereafter, make application to the county treasurer for the necessary license blanks and tags for the ensuing year and after receipting therefor may issue dog licenses and tags in like manner and upon like application as prescribed for the issuing of licenses by the county treasurer. Each township or city treasurer shall not later than March first of each year, return to the county treasurer all unused tags, together with the book or books from which he has issued dog licenses with the stubs therein contained properly filled out, and showing the name of each licensee and

the number of each license issued to him and a full description of each dog licensed by him. He shall also on or before March first of each year pay over all moneys received by him for issuing licenses less ten cents for each license issued, to pay him for issuing and recording the same. Any city may, by resolution of its legislative body, provide that its clerk shall perform the duties by this act imposed on its treasurer. Upon the adoption of such a resolution, the treasurer of such city shall not be required to issue licenses under this act but the clerk of such city shall thereupon perform, in like manner and under like terms and conditions, and with like compensation, all of the duties imposed upon city treasurers by this act.

Sec. 15. The county treasurer shall keep a record of all dog licenses, and all kennel licenses, issued during the year in each city and township in his county. Such record shall contain the name and address of the person to whom each license is issued. In the case of an individual license, the record shall also state the breed, sex, age, color, and markings of the dog licensed; and in the case of a kennel license, it shall state the place where the business is conducted. The record shall be a public record and open to inspection during business hours. He shall also keep an accurate record of all license fees collected by him or paid over to him by any city or township treasurer.

Sec. 16. It shall be the duty of the supervisor of each township and the assessor of every city of the State of Michigan, annually, on taking his assessment of property as required by law, to make diligent inquiry as to the number of dogs owned, harbored or kept by all persons in his assessing district; and said supervisor or assessor shall annually on or before the first of June, nineteen hundred twenty-five, and annually thereafter make a complete report to the county treasurer, for his county, on a blank form furnished by the commissioner of agriculture, setting forth the name of every owner, or keeper, of any dog or dogs, subject to license under this act, how many of each sex are owned by him, and if a kennel license is maintained such fact shall be also stated. Every supervisor or assessor shall receive for his services in listing such dogs at the rate of ten cents for each dog so listed, which sum shall be paid out of the general fund of the county: *Provided*, That in and for any city having a population of five thousand or more, the county board of supervisors may by resolution appoint for a term of one year, a dog warden, who shall perform in and for said city all the duties which this act prescribes for the supervisors of townships, and who shall receive the same compensation as is herein provided for supervisors: *Provided further*, That the board of supervisors of any county may, by resolution, appoint for said county for a term of one year a dog warden whose duties and compensation shall be such as shall be prescribed by said board of supervisors.

Sec. 17. On June fifteenth of nineteen hundred twenty-five and each year thereafter, each county treasurer shall make a comparison of his records of the dogs actually licensed in each city or township of his county with the report of the supervisor of said township or assessor of said city, to determine and locate all unlicensed dogs. On and after June fifteenth of each year every unlicensed dog, subject to license under the provisions of this act, is hereby declared to be a public nuisance and the county treasurer shall immediately thereafter list all such unlicensed dogs, as shown by the returns in his office of the supervisors and assessors, and shall deliver copies of such lists to the sheriff and prosecuting attorney of said county and to the commissioner of agriculture. On receiving from the county treasurer the name of any owner of any unlicensed dog, the prosecuting attorney shall at once commence the necessary proceedings against the owner of said dog as required by the provisions of this act. It shall also be the duty of the sheriff or any member of the State constabulary to locate and kill, or cause to be killed, all such unlicensed dogs. Failure, refusal, or neglect on the part of any sheriff to carry out the provisions of this section shall constitute nonfeasance in office.

Sec. 18. It shall be the duty of every police officer, on complaint, to kill any dog or dogs which are found outside of an incorporated city, running at large and unaccompanied by owner or keeper. For killing and burying dogs herein described, the sheriff or other police officer shall be entitled to a fee of one dollar for each dog killed and buried.

Sec. 19. Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock or attacking persons, and there shall be no liability on such person in damages or otherwise, for such killing. Any dog that enters any field or enclosure, outside of an incorporated city, unaccompanied by his owner or his owner's agent, shall constitute a private nuisance and the owner or tenant of such field or other enclosure, or his agent or servant, may kill such dog while it is in the field or other enclosure without liability for

such killing. Except as provided in this section, it shall be unlawful for any person, other than a police officer, to kill, injure, or attempt to kill or injure any dog which bears a license tag for the current year.

SEC. 20. Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or whenever any livestock of any person is necessarily destroyed because of having been bitten by a dog, such person or his agent or attorney, may complain to any justice of the peace of the township or city within which the damage occurred. Such complaint shall be in writing signed by the person making it and shall state when, where, what, and how much damage was done, and, if known, by whose dog or dogs. Such justice of the peace shall at once examine the place where the alleged damage was sustained and the livestock or poultry injured or killed, if practicable. He shall also examine under oath, or affirmation, any witness called before him. After making diligent inquiry in relation to such claim, such justice shall determine whether any damage has been sustained and the amount thereof, and, if possible, who was the owner of the dog or dogs by which such damage was done. If during the course of said proceedings it shall appear who is the owner of said dog causing said loss or damage to said livestock, said justice of the peace shall forthwith issue a summons against said owner commanding him to appear before said justice of the peace and show cause why said dog should not be killed. Such summons may be served any place within the county in which such justice of the peace is situated, or any place within an adjoining county, and shall be made returnable not less than two nor more than six days from the date therein and shall be served at least two days before the time of appearance mentioned therein. Upon the return day fixed in said summons said justice of the peace shall proceed to determine whether said loss or damage to said livestock was caused by said dog, and if he shall so find he shall forthwith notify the sheriff of said county of said fact, whereupon it shall be the duty of the sheriff to kill said dog wherever found. If there be no qualified justice of the peace in the township or city, any qualified justice of the peace in an adjoining township shall have power to act under this section, but no justice of the peace who is related to the person making the complaint or financially interested in any of the livestock damaged shall act on such complaint. Any owner or keeper of such dog or dogs shall be liable to the county in a civil action for all damages and costs paid by such county on any such claims as hereinafter provided.

SEC. 21. Upon making the examination required in the preceding section, if the justice of the peace shall determine that any damage has been sustained by the complainant, he shall, upon payment to him of his costs up to that time, by the complainant, deliver his report of such examination, and all papers relating to the case to the board of supervisors of the county in which the loss was sustained, which report shall be filed in their office. In case the complainant has not paid the costs the justice shall so state in said report and the amount thereof.

SEC. 22. Justices of the peace, for the services rendered under this act, shall receive two dollars for each case, and five cents per mile for each mile traveled, to be paid by the claimant in each case. In all cases where damages are awarded, the fees paid by claimants shall be included in the amount of such damages.

SEC. 23. Upon the board of supervisors of the county receiving such report, if it appears thereby that a certain amount of damage has been sustained by the claimant, they shall immediately draw their order on the treasurer of the county in favor of the claimant for the amount of loss or damage such claimant has sustained, together with his necessary and proper costs incurred: *Provided*, That where the claim filed with the said board appears from the report filed to be illegal or unjust, the said board may make an investigation of the case and make its award accordingly: *Provided further*, That in case the report states that the fees of the justice have not been paid, then the amount thereof shall be paid by him instead of the claimant. Such amount shall be paid by the county out of its general fund. No payment shall be made for any item which has already been paid by the owner of the dog or dogs doing the injury. When the payment is made by the county for any livestock bitten by a dog or dogs, such payment shall not exceed one hundred dollars for each horse or mule, sixty dollars for each head of cattle, fifty dollars for each head of swine, fifteen dollars for each head of sheep or goats, or one dollar for each head of any other animal or fowl herein enumerated, except turkeys or geese, and the payment for any one of these shall not exceed eight dollars.

SEC. 24. In counties having a board of county auditors, such board shall receive, audit, and determine all claims for damages under this act and when such claims are found to be legal and just said board of county auditors shall order their payment out of the general fund of the county. Justices of the peace in such



counties shall deliver their report of investigation under this act to such board of county auditors.

SEC. 25. Any valid claims for loss or damage to livestock which have accrued under any general or local laws prior to the taking effect of this act shall not abate by reason of the repeal of such laws by the operation of this act, but all such claims, and all claims arising under this act and all expense incurred in any county in enforcing the provisions of this act shall be paid out of the general fund of the county. At the time this act takes effect, all moneys then in the "dog fund" in the hands of township or city treasurers, derived from the taxation of dogs under existing laws, shall be turned into the county general fund: *Provided*, In all cities having a well-regulated dog department, the reasonable expense of maintaining the same shall be borne by said county, duly audited by the board of supervisors, and in any county having a board of county auditors, said board of county auditors shall audit said reasonable bills, to be paid out of the general fund of the county.

SEC. 26. Any person or police officer violating or failing or refusing to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one hundred dollars, or to imprisonment in the county jail not exceeding three months, or to both such fine and imprisonment at the discretion of the court. Any person presenting a false claim, knowing it to be false, or receiving any money on such false claim, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to a fine not exceeding one hundred dollars, or to imprisonment in the county jail not exceeding three months, or to both such fine and imprisonment in the discretion of the court. All fines collected under the provisions of this act shall be forthwith paid to the treasurer of the county and by him credited to the library fund of the county.

SEC. 26a. On sworn complaint to any justice of the peace of the county that any one of the following facts exists—

1. That after January tenth and before June fifteenth in each year any dog over four months old is running at large, unaccompanied by its owner, or engaged in lawful hunting and not under the reasonable control of its owner, without license attached to the collar on such dog;

2. That any dog at any time licensed or unlicensed has destroyed property or habitually trespasses in a damaging way on property of persons other than the owner;

3. That any dog at any time, licensed or unlicensed, has attacked or bitten a person;

4. That any dog shows vicious habits and molests passers-by when lawfully on the public highway;

5. That any dog, duly licensed and wearing license tag, is running at large contrary to the provisions of this act—

Such justice of the peace shall issue summons similar to that provided in section twenty of this act, to show cause why such dog should not be killed. Upon such hearing the justice may either order the dog killed or may order him confined to the premises of the owner. If the owner disobeys such an order, he shall be liable to be punished under section twenty-six of this act. Costs as in a civil case shall be taxed against the owner of the dog and collected by the county. The board of supervisors shall audit and pay claims for services of officers rendered under this section, unless the same are paid by the owner of the dog.

SEC. 26b. Any person who shall steal, or confine and secrete any dog licensed under this act or kept under a kennel license, unless legally authorized to do so, or unless such confining be justifiable in the protection of person, property or game, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than fifty dollars nor more than one hundred dollars, or imprisonment in the county jail for not less than sixty nor more than ninety days, or both in the discretion of the court.

SEC. 27. Nothing in this act shall be construed to prevent the owner of a licensed dog from recovery, by action at law, from any police officer or other person, the value of any dog illegally killed by such police officer or other person.

SEC. 28. Nothing in this act contained shall be construed as limiting the common-law liability of the owner of a dog for damages committed by it.

SEC. 29. None of the provisions of this act shall be construed to require the licensing of any dog imported into this State, for a period not exceeding thirty days, for show, trial, breeding, or hunting purposes.

SEC. 30. All cities in this State having a population of two hundred fifty thousand or more according to the last Federal census, or that shall hereafter

attain such a population, and all cities and villages entirely within the limits of such two hundred fifty thousand population or more, or located within twenty miles of the corporate limit of such cities of two hundred fifty thousand population or more, are hereby excepted from the provisions of this act.

Sec. 31. If any section, clause, or proviso of this act shall be declared to be inconsistent with the constitution and void by any court of competent jurisdiction, said section, clause, or proviso so declared to be unconstitutional and void shall thereby cease to be a part of this act, but the remainder of said act shall stand and be in full force.

Sec. 32. Act number three hundred forty-seven of the Public Acts of nineteen hundred seventeen, is hereby repealed.

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